



The Corporation of the Town of Milton

Report To: Council

From: Meaghen Reid, Director, Legislative & Legal Services/Town Clerk

Date: March 25, 2024

Report No: CORS-011-24

Subject: Administrative Penalty System (APS) Program Expansion

Recommendation: THAT staff be directed to proceed with the expansion of the Town's Administrative Penalty System (APS);

AND THAT staff be directed to bring forward the necessary by-law for consideration at a future Council meeting, following consultation on the draft proposed by-law, included as Schedule A to this report;

AND THAT the policies attached to this report in Schedules B to G be adopted, upon enactment of the APS by-law, and be incorporated into the Town's Corporate Policy Manual;

AND THAT the necessary additional staffing resources be approved to implement and successfully maintain the program outlined in this report and to support future programs such as License Plate Recognition Software and Automated Speed Enforcement;

AND THAT a new funding transfer from the Tax Stabilization Reserve to the operating budget be approved for 2024 in an estimated amount of \$94,102 in order to implement the program, and that the estimated annual net annual cost of \$108,636 be considered as part of the 2025 Budget process.

AND THAT the new administration fees as set out in this report be approved and included in the Town's User Fee By-law at the next available opportunity.

EXECUTIVE SUMMARY

The purpose of this report is to obtain Council approval to expand the Town's Administrative Penalties System (APS) that is currently in place for parking offences and parking penalty dispute resolution (or adjudication). Staff recommend that the Town proceeds with the expansion of this program to implement an Administrative Penalty

EXECUTIVE SUMMARY

System (APS) for non-parking related offences, as outlined as Phase 1 in this report. The implementation of this first phase of the APS expansion will support the implementation of future programs, including license plate recognition software and automated speed enforcement (ASE).

Expanding the APS program to include administrative penalties and a dispute resolution process for the Town's enforcement of regulatory by-laws will transfer a significant number of by-law offence dispute hearings from the Provincial Offences Court to the Town's established APS program with the use of Screening and Hearing Officers.

APS provides faster resolution process for the public, more efficiencies for staff and will significantly promote compliance with Town by-laws. The APS dispute resolution process includes a Screening Officer's initial review of a disputed penalty infraction notice. If the matter cannot be successfully remedied through the Screening review process, a Hearing Officer may further review infraction notices upon request of the individual charged. The Hearing Officer has final and binding authority over the matter.

In order to proceed with the implementation of an APS program for non-parking penalties, the following is required in advance of the expansion of this program:

- A draft by-law has been presented for Council's review and, following consultation, staff will bring forward a final by-law for Council's consideration at a future meeting.
- Required policies, already in place with the existing APS program, have been reviewed and updated with necessary, minor amendments to reflect current practice and provide greater clarity. Staff recommend that the policies set out in Schedules B to G be adopted and replace the policies that were introduced through Staff Report [CORS-044-21](#).
- Additional staffing resources will be required and new user fees will need to be approved. The expansion of the APS program to non-parking matters is expected to result in a net annual cost to the Town of \$108,636, as outlined in this report. It is recommended that the incremental new cost for 2024 be funded from the Town's Tax Stabilization reserve, and that the full annual cost be considered as part of the 2025 Budget process.

REPORT

Background

Administrative Penalties are, as the name suggests, penalties imposed administratively by regulatory authorities to promote compliance with regulatory laws where there has been non-compliance. Administrative Penalties are distinct from fines and other sentencing provisions, which are imposed by courts for offences after a conviction. Administrative Penalties are not intended to punish an offence, but solely to promote compliance.

Administrative Penalties have long been used in the regulatory sector. However, they are a relatively new compliance tool for municipalities. In 2006, the Province introduced Administrative Penalties into the Municipal Act for parking contraventions. More recently, in 2017, section 434.1(1) was introduced, which provides that a municipality may 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 passed under that Act. In addition, a person cannot be charged with an offence and issued an Administrative Penalty for the same contravention.

The Town began to introduce Administrative Penalties by first establishing an APS parking program. On February 1, 2022 the Town implemented the APS parking program to aid in the management of parking infraction notice disputes. To date, the APS parking program has increased efficiencies and expedited dispute resolutions.

Since the Town's introduction of the APS program for parking infraction dispute resolution (Screening and/or Hearing review), the average time to resolve a parking dispute is 17 days. Through POA proceedings previously, parking ticket resolutions were heard within 120 to 160 days of receiving the infraction notice. A review of the program, since it was introduced, shows that the cost of the program has been fully recovered by the associated fees charged, as projected through the initial business case.

Currently, the only way to address non-parking contraventions is through the Provincial Offences Act (POA). Currently, the dispute resolution process can take 6-8 months for less serious matters and can take 18 months or more for more serious matters due to limited court resources and delays, including defense delays. These delays and reduced systemic capacity are occurring at a time when the Town is experiencing increased enforcement pressures due, in large part, to serious contraveners who have financial incentives to prolong contravention as long as possible. In this context, delay in and of itself, assists in encouraging contravention.

As discussed further in this report, the expansion of the APS program to all regulatory by-laws will bring more expeditious resolution of by-law compliance matters in a fair and accessible manner, create a new and effective tool to promote compliance, and alleviate the burden on our over-strained court system.

The APS program expansion will also set the stage for future projects that will result in further efficiencies and enhancements to the Town's APS programs and priorities. Below are the anticipated phases of the full APS program expansion:

- Phase 1: APS expansion to regulatory by-laws (non-parking matters, as outlined in this report)
- Phase 2: Introduction of license plate recognition software
- Phase 3: Automated Speed Enforcement

Discussion

As experienced with the Town's current APS program for parking offences, the expansion of the Town's APS program to include regulatory by-laws would allow for the opportunity to better manage disputes in a more timely and effective manner, while also encouraging compliance with municipal legislation.

Expanding the existing APS program has several benefits, which include:

- Improving service excellence.
- Enhancing staff efficiencies and effectiveness.
- Expedited and fair dispute process for customers.
- Easing the dispute resolution burden in the provincial court system.

In designing the Town's proposed non-parking APS program, Town enforcement staff have reviewed and spoken with enforcement staff from other municipalities about non-parking APS programs. These comparator programs have generally used administrative penalties to address minor matters that otherwise would have been issued charges under Part 1 of the Provincial Offences Act. While there will likely always be some matters that are best suited to bringing charges under the Provincial Offences Act, the Town of Milton's proposed non-parking APS program offers a program that is intended to provide a fair and effective approach for encouraging by-law compliance in both major and minor cases of non-compliance.

Current experience with the court system

Currently, when a Municipal Law Enforcement Officers initiates POA charges for contravention of municipal by-laws (other than parking offences), voluntary payment and trial disputes are managed through Halton Court Services. The Town shares, with the City of Burlington, one half-day of scheduled court time per month when judicial resources are available- roughly 1.5 hours of court time. This is down 50% from pre-Covid-19 pandemic levels, where the half-day of the Town's court time was not shared. During these dates, procedural issues are addressed, guilty pleas may be entered and short trials take place. Halton Court Services requires that longer trials receive at least one judicial pre-trial before scheduling a trial, which can take 3-4 months to schedule due to limited judicial resources. Similarly, any pre-trial motions can also take several months to schedule. As a result, while simple matters can generally be tried during the Town's ¼ day per month, longer matters can take 18 months or more, risking dismissal under 11b of the Charter (one's right to a fair and speedy trial).

In 2022, Halton Court Services reported that, given the ongoing impacts of the pandemic, the backlog in matters set for trial and lack of judicial resources delays are expected to continue into future years. Even in 2024, this remains a very real issue. For instance, as recently as March 1, 2024, an entire court day was cancelled due to lack of judicial resources, and multiple Town matters were postponed.

Discussion

The Town's proposed APS program for regulatory by-laws (non-parking matters) would relieve the pressure on the POA court and allow the Town to focus its limited court time on matters that must be heard in that venue.

Should the Town expand the APS program for non-parking matters, the POA court system is still available should the need arise to address the more serious offences. The POA court system may be deemed appropriate in some cases due to the following: POA maximum fines are significantly higher than the Town's proposed Administrative Penalties; additional enforcement powers of the Court may be required (such as prohibition orders or probation orders); or the stigma of conviction is needed. In addition, certain types of contraventions can only be dealt with through the POA system, such as Zoning By-Law matters or certain Building Code Act and Fire Protection and Prevention Act matters.

Key Features of the Expanded APS Program for Regulatory By-laws (Non-Parking Matters)

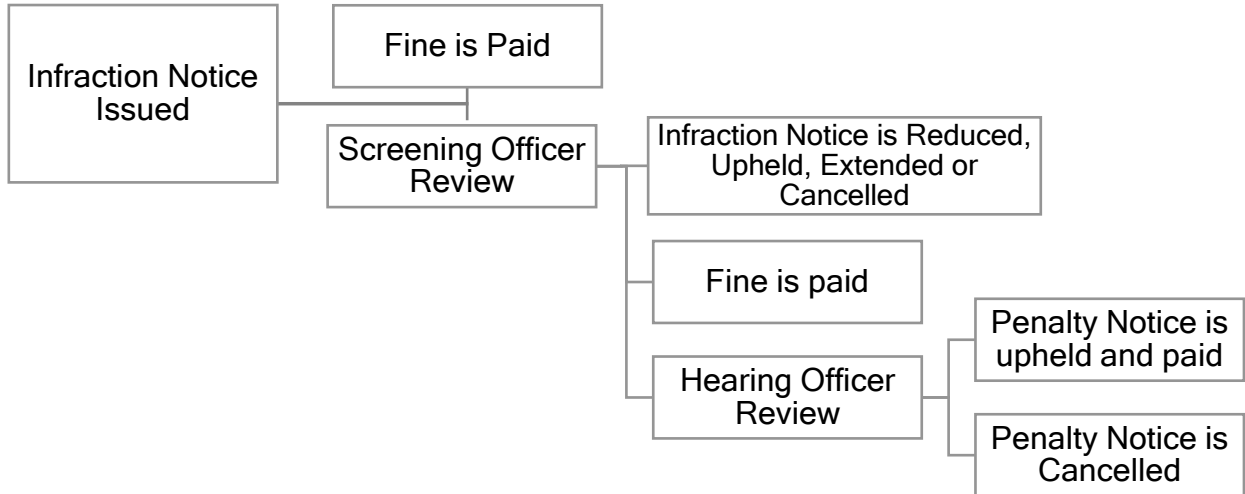
1. Process and Review by Screening or Hearing Officers

When a penalty infraction notice is issued by a Municipal Law Enforcement Officer in the APS program, a person can pay the penalty within 15 days or choose to dispute the penalty notice. If the dispute process is selected by the individual, then the individual can book a screening appointment to meet with a Screening Officer to have a screening review conducted. The Screening reviews can take place virtually for customer convenience and are scheduled online via the Town's webpage.

The Screening Officer has the authority to 1) reduce penalties, subject to a test that takes into account efforts at compliance and other relevant factors to assess whether a lesser penalty would be sufficient to encourage compliance, 2) provide extended time to pay a penalty or 3) cancel the penalty where the Screening Officer determines no contravention occurred. If a person is not satisfied with the decision of the Screening Officer, they have the option to request a Hearing with the Town-appointed Hearing Officer. A Hearing Officer will adjudicate matters and will make a final and binding decision about the penalty infraction notice.

The APS process is illustrated below:

Discussion



2. Penalties

Staff have conducted a jurisdictional scan within the Region of Halton and neighbouring municipalities. Following a review of these comparator municipalities, many municipalities have standard amounts for penalties that differ depending on by-law being enforced. It is Town staff's understanding that these municipalities generally use Administrative Penalties for lesser or minor contraventions where they would normally have issued a Part 1 certificate of offence and continue to issue Part 3 charges for more serious contraventions.

There is nothing in the Municipal Act that restricts Administrative Penalties to minor contraventions, and the Province itself uses administrative penalties for major contraventions. For example, under Environmental Protection Act Regulation 222/07, penalties can be up to \$100,000 per day, and can exceed this amount where the contravention resulted in monetary benefits to the contravener.

In staff's view, there is a real need to address both major and minor contraventions in the Town's proposed APS system for regulatory by-laws (non-parking matters), as the Town is experiencing increased enforcement pressures due in large part to serious contraveners who have financial incentives to prolong contravention as long as possible and are treating the delays in the POA system as licence to continue to operate illegally.

Considerable attention has been spent on developing a system of penalties that will provide appropriate incentives to promote compliance over a variety of violations that range in gravity. In developing this system, particular attention was paid to (a) the manner in which by-laws are enforced and the characteristics typical of less serious vs. more serious contraventions witnessed by Town enforcement staff.

Discussion

Historically, POA charges are a last resort for enforcement staff, with a first step generally being a written or verbal notice of non-compliance, and if practicable, direct engagement to further encourage compliance. Where these steps are unsuccessful or in the judgment of Town enforcement staff of little utility (such as in cases that require immediate action, cases where there has already been a history or non-compliance or where the nature of the contravention suggest that voluntary compliance is unlikely), enforcement staff may proceed to issue orders (depending on the by-law) or charges.

Typically, less serious contraventions are single events (such as a loud parties contravening noise by-laws) or ill-advised actions that are responsive to enforcement staff's efforts to encourage compliance (such as boulevard encumbrances). More serious contraventions tend to be ongoing in nature, unresponsive to efforts by enforcement staff to encourage voluntary compliance and unresponsive to orders. In Town enforcement staff's experience, there is a growing number of these contraventions, which take advantage of the financial incentives of non-compliance and the delays associated with POA enforcement. For instance, an illegal short-term rental, operating without a license, may financially benefit from continuing to operate as long as possible.

Based on their experience, Town staff have developed an APS system that (a) varies the penalty based on the type of contravention; (b) provides graduated penalties; (c) takes into account whether the contravention is ongoing or continuing and (d) offers opportunities for penalty reduction where efforts at compliance have been made. Key features include:

1. **Penalties Amounts:** penalties are set at levels Town enforcement staff believe are needed to encourage compliance:
 - a. on first contraventions range from \$200 - \$400 per day on most contraventions, with higher penalties (\$300-\$500 per day) for more serious types of violations such as contraventions of orders, operating without a license and similar contraventions.
 - b. penalties escalate on second and third (or more) contraventions, where Penalty Notices were previously issued for the contraventions (and not cancelled by a Screening or Hearing Officer).
 - c. penalties on third contraventions range from \$800 - \$2,000 per day for the most serious types of contraventions, such as contravening a site alteration order.
 - d. the graduated system of penalties reflects the need to increase penalties to promote compliance where prior penalties have not been sufficient to do so.

2. **Continuing Contraventions:** where the contravention continues or is ongoing (for instance operating without a licence or failing to comply with an order) the penalties apply for each day the contravention occurs or continues. This ensures that compliance continues to be incentivised and that a penalty is not treated as a mere



Discussion

licence fee for illegal activities. In the Town enforcement staff’s experience continuing contraventions most often occur where there are strong financial incentives to operate illegally, such as operating an illegal dump site in return for “tipping fees”, contrary to the Town’s Site Alteration By-Law.

3. **Penalty Reduction:** all penalties can be reduced by as much as 75% to the minimum penalties set out in each by-law, upon review by a Screening or Hearing Officer, where the Screening or Hearing Officer, determines based on a review of the relevant factors that a lesser penalty is sufficient to promote compliance. In making this assessment, a Screening or Hearing Officer is required to take into consideration whether compliance has been achieved or significant efforts toward compliance are being made, as well as any financial benefit received by the requestor as a result of non-compliance.

The ability to seek a fine reduction on review serves two important roles (a) it allows a Screening Officer or Hearing Officer to ensure the amount of the fine is appropriate, and (b) it creates yet another incentive promoting compliance.

New User Fees

In addition to existing user fees associated with the current APS program, new administrative fees are recommended to be established as follows for expansion of the APS program:

| Fee | Description | Amount |
|--------------------------------------|--|----------|
| Adjournment fee | A fee is levied during the hearing stage (when the hearing is taking place and the defendant requests an adjournment). If the hearings officer grants the adjournment, as there is sufficient reason to do so the defendant is notified and if agreed upon and the fee is applied and the adjudication is stayed until the mutually agreeable date | \$111.00 |
| Service by registered mail | A fee is levied when a penalty notice is required to be serviced by registered mail | \$21.00 |
| Service by standard mail | A fee is levied when a penalty notice is required to be serviced by standard mail | \$ 10.00 |
| Corporate search (business) | A fee to provide cost recovery for the processing a corporate entity search when a business is found in violation of a by-law | \$143.00 |
| Parcel Assessment Search (terraview) | A fee is levied when a parcel assessment search is required to issue a penalty notice. | \$134.00 |



Discussion

The above fees have been set to recover costs associated with administration procedures undertaken by Town staff, as part of the APS program. The rationale for the calculated fees has been validated through a market scan of similar fees of neighboring municipalities, where possible. Staff recommend that the administrative fees be approved through this report and added to the Town's User Fee By-law at the next available opportunity where they will be subject to annual inflationary increases to ensure the fees continue to recover the cost of the service provided. These fees will only be applicable following approval of the APS Expansion By-law. Other administrative fees associated with this program such as fees for late payment, nonsufficient funds and failing to appear are already included in the Town's User Fee By-law.

Staffing Resources

Additional staffing resources are required to support the administration of the APS program expansion. Staff are seeking approval for the following FTE positions:

Screening Officer: It is recommended that the part-time Screening Officer position be increased to a full-time position to support the regulatory program expansion and future opportunities for expansion, such as future phase of the APS program ie. Automated Speed Enforcement. The Town currently has one full-time Screening Officer that is working at full capacity conducting screening reviews for the parking program. An additional, part-time screening officer supports the remaining unscheduled parking infraction notice screening reviews. When compared with the previous year in 2022, scheduled screening review appointments have increased 18% in 2023. It is expected that this additional 0.5 FTE will be required to support additional screening appointments for regulator by-law contraventions.

Coordinator, Administrative Penalty System: It is recommended that one (1) full time equivalent (FTE) complement be introduced for an APS Coordinator, in order to move forward with implementation plans for the APS expansion program effective date. The Coordinator role provides APS parking and non-parking program support focusing on the review and authorization of infraction notices by certifying infraction notices that are sent through future, enhanced electronic processes. This position will later support future phases of the expanded APS program, such as Automated Speed Enforcement (ASE).

Financial Analysis

As shown in the table below, expanding the APS program to non-parking infractions (Phase 1 of the APS program expansion) is expected to result in a net cost to the Town of \$108,636 per year. Moving the dispute process under the Town's APS program will result in increased staffing costs, largely related to the Coordinator position required to support both the APS expansion program and future APS projects. The increased costs will be partially offset by reduced legal expenses and increased revenues associated with increasing penalties for certain infractions.



Discussion

| | POA | APS | Variance |
|----------------------------------|--------------------|---------------------|---------------------|
| Staffing Costs | | | |
| <i>Coordinator 1 FTE</i> | | 112,890 | |
| <i>Screening Officer 0.5 FTE</i> | | 45,633 | |
| Hearing Officer | | 2,128 | |
| Legal expenses re: prosecution | 37,392 | - | |
| Visa/MC Charges | | 853 | |
| Total Expenses | 37,392 | 161,627 | 124,235 |
| Incremental Penalty Fees | | 12,000 | |
| Administrative Fees | | 3,476 | |
| Total Revenues | - | 15,599 | 15,599 |
| Net Cost | \$ (37,392) | \$ (146,028) | \$ (108,636) |

Although not reflected in the figures above as there is no direct financial impact, shifting the process from POA to APS will result in approximately 170 hours of MLEO time annually that will be able to be reallocated towards enforcement activity as these staff will no longer be required to attend court proceedings.

APS Program Expansion - Establishing By-law, Fees and Policies

In accordance with Ontario Regulation 333/07 and section and section 434.1 of the Municipal Act a municipality must pass a by-law to establish an APS program. A draft by-law for the establishment of APS for non-parking offences is included as Schedule A to this report. The draft by-law includes provisions related to penalties, notice, financial management, screening, hearings and other general regulations. Following consultation, staff will bring forward the final by-law for Council consideration.

Ontario Regulation 333/07 requires a municipality implementing an establishing any parking Administrative Penalty System (APS) to establish:

- policies and procedures to prevent political interference in the administration of the system;
- guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur;
- policies and procedures regarding financial management and reporting;
- Procedures for the filing and processing of complaints made by the public with respect to the administration of the system.

Ontario Regulation 333/07 does not specifically apply to APS non-parking programs. However, to support program consistency, staff have updated the existing APS policies to apply to the expanded APS program. The updated policies have been included in

Discussion

Schedules B to G of this report for consideration. Following the adoption of these updated policies, staff will proceed with implementing administrative and financial protocols, screening and hearing procedures, software changes, communication and public education tools in preparation for the APS program expansion.

Future phases of the APS Program Expansion

License plate recognition software (Phase 2):

The APS expansion will allow the Town to proceed with the introduction of license plate recognition software. The overall goal of this improvement would be to automate, improve and enhance the ticket issuance process through the implementation of an automated plate reading software technology. The desired outcome would be increased efficiency and effectiveness of the process and a reduction of manual efforts within the process. Success of this initiative would include a re-allocation of resources from manual input to value-add services, cost avoidance as the Town continues to grow, and greater transparency within the ticket issuance process. Staff will begin implementation (including testing) in Q2 of 2024 with full implementation expected for Q3 of 2024.

Automated Speed Enforcement (ASE) (Phase 3):

The APS expansion will establish the framework needed to adjudicate a future Automated Speed Enforcement (ASE) program. ASE is a tool that uses technology in an effort to alter driver's behavior by enforcing traffic laws while promoting road safety.

This camera-based, ASE enforcement program has the potential to improve road safety outcomes by ensuring high-risk driving behaviour is consistently monitored by cameras, which helps keep all users safe on the roads. An APS program is required for the Town to implement ASE enforcement in future.

The ASE system captures an image of a vehicle exceeding the speed limit, the image is sent to a Processing Centre to be reviewed by a Provincial Offences Officer. During the review, the Officer will ensure all the evidence and data captured confirms there is a violation and a penalty order is created. The penalty order, which contains a digitized copy of the image and an enlargement of the license plate image, is mailed to the vehicles registered owner. Once the offender has received the penalty order, they will have an opportunity to dispute the ticket within 30 days from the date of issuance utilizing the Town Screening and Hearing Officer review process. On conviction, the ASE penalty would be considered a debt owed to the Town, where no demerit points are applied to the driver, however, a victim surcharge is applied based on the penalty amount, which is then remitted back to the Province.

Staff continue to monitor and develop an implementation plan for an ASE program and will report to Council in future.

Discussion

POA Charges Still Required for Planning Act and some other matters

Certain types of contraventions can only be dealt with through the POA system, such as Zoning By-Law matters or certain Building Code Act and Fire Protection and Prevention Act matters.

The POA court system is still available should the need arise for other matters as well should the need arise, whether because POA maximum fines are significantly higher than the Town's proposed Administrative Penalties; because the additional enforcement powers of the Court are required (such as prohibition orders or probation orders); or because the stigma of conviction is needed.

Financial Impact

The extent of the financial impact in 2024 will be subject to the timing of recruitment of the new roles, as well as the extent of revenue collected. The net cost for 2024 is currently estimated to be \$94,102. Should Council approve this program to move forward, the net financial impact will be funded from the Tax Rate Stabilization Reserve in 2024 so that the current year operating budget is unaffected. As noted in the 2024 Budget process, the Tax Rate Stabilization Reserve is expected to end 2024 with a balance of \$6.1 million (or approximately 26% below the target balance).

The net financial impact of the program, currently estimated at \$108,636 per year, will then be considered as part of the 2025 Budget process and will represent an additional future pressure on the property tax rate of approximately 0.1%. The forecasted total pressure for 2025, as forecasted through the 2024 budget process, currently equals 12.36%.

The capital costs of the License Plate Recognition program are provided for in capital project C24012323 - Mobile Parking Enforcement which has a total approved capital budget of \$202,921. The implementation of License Plate Recognition will result in new operating costs for the Town associated with the software service agreement. The expected annual operating cost will be approximately \$54,848, which will be pro-rated in 2024 based on the implementation date of the program. Although the annual operating costs are approximately \$30,000 greater than what was incorporated into the 2024 budget, it is anticipated that they can be managed within the 2024 budget through a reallocation of IT spending and an expected reduction in the contractual cost of issuing tickets as this process will be made more efficient under this program.

The full financial impacts associated with Automated Speed Enforcement (ASE) will continue to be evaluated and reported to Council in a separate report prior to the introduction of this program.



Respectfully submitted,

Troy McHarg
Commissioner, Corporate Services

For questions, please contact: Mary Beth Mitchell

Phone: Ext. 2133

Attachments

- Schedule A - Draft Administrative Penalty System (APS) Non- Parking by-law
- Schedule B - Draft Complaint Policy for APS Program
- Schedule C - Draft Conflict of Interest Policy for APS Program
- Schedule D - Draft Extension of Time to Pay for APS Program
- Schedule E - Draft Extension of Time to Review for APS Program
- Schedule F - Draft Interference Policy for APS Program
- Schedule G - Draft Refund Policy for APS Program

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NUMBER NO. XXX-2024

A BY-LAW TO ESTABLISH AN ADMINISTRATIVE MONETARY PENALTIES SYSTEM RESPECTING NON- PARKING VIOLATIONS

WHEREAS section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act*") provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

WHEREAS subsection 434.1(1) of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

WHEREAS subsection 434.1(2) of the *Municipal Act* provides that the purpose of a system of administrative penalties established by a municipality shall be to assist the municipality in promoting compliance with its by-laws;

WHEREAS subsection 434.1(3) of the *Municipal Act* provides that the amount of an administrative penalty established by a municipality shall not be punitive in nature and shall not exceed the amount reasonably required to promote compliance with a by-law of the municipality;

WHEREAS Council is satisfied that the system of administrative penalties provided for herein, are not punitive in nature and are in amounts reasonably required to promote compliance with a by-law of the Town;

WHEREAS subsection 434.2 of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality and may be added to the tax roll of a property located within the Town if not paid within 15 days of the due date;

WHEREAS the *Building Code Act 1992*, S.O. 1992, c. 23 provides that a municipality may require a person to pay an administrative penalty for non-compliance with a property standards by-law or order under that act;

WHEREAS the *Statutory Powers and Procedure Act*, R.S.O. 1990, c. S.22, as amended, applies to all hearings held under this By-law; and

WHEREAS to promote compliance with Town by-laws the Town wishes to establish a system of administrative penalties, including penalties for continuing contraventions and escalating penalties for repeat contraventions;

COUNCIL ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purposes of this By-law, the following definitions shall apply:

“Administrative Penalty” means an administrative monetary penalty as set out in the Schedules to this By-law for contravention of a Designated By-law, which may be amended from time to time with the approval of Council;

“Administrative Fee” means any fee specified in this By-law and listed in the Town’s User Fee By-law, which may be amended from time to time with the approval of Council;

“Adjournment” means to temporally end a Hearing review, where no decision will be reached until the Hearing review resumes and not for a period no longer than 45 days;

“Appear for Screening or Hearing” means:

- (a) in the case of a telephone, videoconference or in person screening or hearing, failure to appear by telephone, videoconference or in person as the case may be within 10 minutes of the start telephone, videoconference or in person screening or hearing; or
- (b) in the case of a screening or hearing in writing, failure to respond in writing to a request for information, documents or submissions by the Screening or Hearing Officer on the date set by the Screening or Hearing Officer for responding.

“Business Day” means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Schedule F, as amended from time to time;

“By-law” means this by-law and any schedule to this by-law as they may from time to time be amended;

“Certified Document Fee” means an Administration Fee levied for obtaining records of the Ontario Ministry of Transportation, Land registry Office or Service Ontario for the purpose of administering this by-law

“Council” means the Council of the Town of Milton;

“Continues” or **“Continued”** with respect to a contravention, means where a requirement or provision of this By-Law is not complied with for more than one day, and without limiting the generality of the forgoing:

- (a) in the case of an order, direction or notice that is required to be complied with under the Designated By-Law, a contravention continues or until compliance is achieved; or
- (b) in the case of a permit, licence or authorisation, required under a Designated By-Law, a contravention continues until the activity, business or enterprise occurring without a permit, licence or authorisation permanently ceases.

“Designated By-law” means a by-law that is designated by the Town as a by-law to which this By-law applies and, if only a part of a by-law is designated, includes only the designated part of the by-law;

“Director” means the Town Clerk, or a designate of the Town Clerk;

“Hearing Decision” means a decision made by a Hearing Officer;

“Hearing Fail to Appear Fee” means an Administrative Fee in respect of a person’s failure to appear at the time and place scheduled for a review before a Hearing Officer;

“Hearing Officer” means each person appointed from time to time to perform the functions of a Hearing Officer pursuant to this By-law;

“Officer” means any person authorized by the Town of Milton to enforce a Designated By-Law.

“Penalty Notice” means a notice issued pursuant to section 4;

“Penalty Notice Date” means the date specified on the Penalty Notice;

“Penalty Notice Number” means the reference number specified on the Penalty Notice that is unique to that Penalty Notice;

“Person” includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

“Requestor” means the Person requesting a review of an Administrative Penalty or a Screening Decision.

“Screening Decision” means a decision made by a Screening Officer;

“Screening Fail to Appear Fee” means an Administrative Fee levied in respect of a person’s failure to appear at the time and place scheduled for a review by a Screening Officer;

“Screening Officer” means each person designated to perform the functions of a Screening Officer pursuant to this By-law;

“Town” means The Corporation of the Town of Milton: and

“User Fee By-Law” means the Town by-law or by-laws setting out fees for use of Town services and other matters, as amended.

2. INTERPRETATION

2.1 This By-law and all Designated By-Laws are remedial in nature and shall be given a broad and purposeful interpretation and the words of each By-law shall be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of each By-Law, the object of each By-Law, and the intention of Council.

2.2 The intent of this By-Law and the Administrative Penalty provisions in all Designated By-Laws is to promote compliance with Town by-laws.

3. APPLICATION, AMENDMENTS, SCHEDULES AND SEVERABILITY

3.1. The following are Designated By-Laws:

- (a) Adult Entrainment By-law No. 54-2003
- (b) Adult Videotape Licensing By-law No. 53-2003
- (c) Animal Control By-law No. 90-2004
- (d) Anti-chasing and Tow Truck Licensing By-law No. 34-2006
- (e) Body Rub Parlor Licensing By-law No. 37-2003
- (f) Business Licensing By-law No. 024-2018
- (g) House Numbering By-law No. 26-2010
- (h) Community Standards By-law No. 042-2020
- (i) Election Sign By-law No. 011-2018
- (j) Firearms By-law No. 062-2016
- (k) Fireworks By-law 037-2009

- (l) Noise By-law No. 133-2012
- (m) Parks By-law No. 072-2006
- (n) Portable Sign By-law No 87-2009
- (o) Property Standards By-law No. 131-2012
- (p) Road Occupancy, Fouling, and Entrance Permit Bylaw 035-2020
- (q) Short Term Rental By-law No. 062-2022
- (r) Signage By-law No. 120-2017
- (s) Site Alteration By-Law No. 094-2022
- (t) Stormwater Infrastructure By-law No. 095-2022
- (u) Snow Removal By-law No. 106-2019
- (v) Swimming Pool Fences By-law No. 77-2010
- (w) Farm Animals By-Law No. 42-87
- (x) Vehicle For Hire By-Law No. 050-2023

3.2. If a person is issued a Penalty Notice, the person shall not be charged with an offence in respect of the same contravention. For clarity, an Officer may charge a person for a different contravention of a Designated By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the Penalty Notice. Likewise, a person may be issued a Penalty Notice for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the Penalty Notices that have been issued.

3.3. Other than as set out in section 3.2 of this by-law, the imposition of an administrative penalty does not limit the Town's ability to initiate any other proceeding or seek any other remedy the Town deems appropriate to prevent the continuation or repetition of the contravention.

4. PENALTY NOTICE

4.1. An Officer who is satisfied that a Person has contravened any provision of a Designated By-law, including without limitation, any requirement or condition of a licence, permit, order or direction, may issue a Penalty Notice to that Person in respect of each contravention.

4.2. Each Person shall, when issued a Penalty Notice, be liable to pay to the Town an Administrative Penalty in the amount specified in the Designated By-law.

4.3. The Penalty Notice issued to the person shall include the following information:

- (a) the name of the Person(s);
- (b) the date of the Penalty Notice;
- (c) the Penalty Notice Number;
- (d) the identity and signature of the Issuing Officer;
- (e) particulars of the contravention;
- (f) the amount of the Administrative Penalty;
- (g) information respecting the process by which the person may exercise the Person's right to request a review of the Administrative Penalty; and
- (h) a statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the Person to the Town.

4.4. Where an Officer becomes aware of an error in a Penalty Notice before the review by a Screening Officer, the Officer may amend or withdraw and re-issue the Penalty Notice.

PAYMENT OF AN ADMINISTRATIVE PENALTY

4.5. No Officer may accept payment of an Administrative Penalty.

4.6. Every Person who has been issued a Penalty Notice shall:

- (a) pay the Administrative Penalty in the Penalty Notice within 15 days after the date the Penalty Notice is deemed served; or

- (b) request that the Administrative Penalty be reviewed by a Screening Officer in accordance with Section 8 of this By-law.
- 4.7. Payment of an Administrative Penalty or an administrative fee can be made through a Town approved payment system. Partial payments or payment plans will not be accepted.
- 4.8. Payment of an Administrative Penalty must be received by the due date and will not be credited until received by the Town.
- 4.9. Once an Administrative Penalty has been paid, it shall not be subject to a review by a Screening Officer or a Hearing Officer or to any further review.

6. NON-PAYMENT OF AN ADMINISTRATIVE PENALTY

- 6.1. Where a request for review has not been made in accordance with subsection 8.1, and the Administrative Penalty is not paid within 15 days of the date of service of the Penalty Notice:
- (a) the Administrative Penalty shall be deemed to be affirmed, final and not subject to further review except as provided in section 9;
 - (b) notwithstanding subsection 9.1 of this By-law, the Person shall pay a late payment administrative fee as set out in the Town's User Fee By-law; and
 - (c) a Notice of Penalty and Due Date shall be served to the Person to whom the Penalty Notice was issued.

7. SERVICE OF NOTICE OR DOCUMENTS

- 7.1. In addition to any method of service provided in a Designated By-Law, a Penalty Notice, Order or any other notice or document under this by-law or a Designated by-law may be served by any of the following means:
- (a) delivered personally;
 - (b) emailed to the last known email address of the person to whom the order is directed;
 - (c) deposited in the mailbox or mail slot of the last known address of the person to whom the order is directed;
 - (d) sent by regular or registered mail to the last known address of the person to whom the order is directed; or

- (e) in the case of a Penalty Notice in respect of non-compliance with a Designated By-Law related to a property, posted on the property.

7.2. Where service is effected by:

- (a) regular mail, it shall be deemed to be made on the fifth (5th) day after the date of mailing;
- (b) registered mail, it shall be deemed to be made on the second (2nd) day after the date of mailing;
- (c) any other means, it shall be deemed effective on the day the document served was delivered, posted, emailed or deposited as the case may be; or
- (d) by multiple means, it shall be deemed effective on the earliest applicable date set out in this subsection.

8. REVIEW OF AN ADMINISTRATIVE PENALTY BY A SCREENING OFFICER

8.1. A Person who is subject to an Administrative Penalty may request in writing that an Administrative Penalty be reviewed by a Screening Officer within 15 days of service of the Penalty Notice. A request for review shall include the Penalty Notice number and the Person's contact information, and shall be made in the format provided by the Town for that purpose.

8.2. Subject to section 9, if a review of the Administrative Penalty by a Screening Officer is not requested within the time set out in subsection 8.1, the Administrative Penalty shall be deemed to be affirmed, final and not subject to further review.

8.3. A Requestor shall be notified by email:

- (a) that their request for a review has been received;
- (b) of the date and time of the review;
- (c) a timeline for the provision of a short summary of the reasons for the request together with any relevant documents, including without restriction relevant photographs or videos, and
- (d) the format of the review, as determined by the Screening Officer, including but not limited to in-person, over the telephone or remotely by videoconference.

8.4. Where requests for review have been received:

- (a) regarding multiple Penalty Notices issued to the same Person; or
- (b) multiple Penalty Notices have been issued to multiple Persons regarding the same or related contraventions;

the Screening Officer may hear the review requests together, if it is reasonably practical to do so, and would not result in significant unfairness. Any objections to hearing Penalty Notices together may be made to and dealt with by the Screening Officer at the outset of the review.

8.5. The Screening Officer may request such information, documents or materials from the Requestor or the Town as the Screening Officer considers relevant to the request and may set timelines for the production of information, documents or materials.

8.6. The Screening Officer may amend the Penalty Notice as may be necessary if it appears that it fails to state or states defectively anything that is required to be stated. In considering whether an amendment should be made, the Screening Officer shall consider whether the Requestor has been misled or prejudiced by the error or omission and whether the proposed amendment can be made without injustice being done.

9. EXTENSION OF TIME TO REQUEST A SCREENING REVIEW

9.1. A Person may request in writing an extension by a Screening Officer of the time set out in subsection 8.1. A request for an extension of time to review an Administrative Penalty shall be made in the format provided for by the Town for that purpose and shall include the Penalty Notice number and the Person's contact information, together with:

- (a) reasons for the request of an extension of time and any relevant documents; and
- (b) reasons for the request for review.

9.2. The Screening Officer may request such information, documents or materials from the Requestor as the Screening Officer considers relevant to the request and may set timelines for the production of information, documents or materials.

9.3. A Screening Officer shall consider the request for an extension and make a determination as to whether to grant or deny the request.

9.4. The Screening Officer may only grant the request to an extension of time to request a review of the Administrative Penalty where the Screening Officer is satisfied:

- (a) the Requestor demonstrates extenuating circumstances for failing to request a review; and
- (b) acted as expeditiously as reasonably possible to request a review, given the extenuating circumstances.

9.5. Where an extension of time is not granted by the Screening Officer, the Administrative Penalty is deemed to be affirmed.

10. SCREENING DECISION

10.1. On a review of the Administrative Penalty, the Screening Officer:

- (a) may cancel, reduce or extend the time for payment of the Administrative Penalty, including any late payment of Administrative Fees, if the Requestor demonstrates on a balance of probability that the applicable test for cancellation, reduction or extension set out in subsections 10.4, 10.5, 10.8 or 10.9 is met; or
- (b) if the Requestor fails to demonstrate a balance of probability that the applicable test is met, shall affirm the Administrative Penalty.

10.2. Where a Screening Officer reduces an Administrative Penalty under subsection 10.5. the Screening Officer:

- (a) shall not reduce the Administrative Penalty below the minimum penalty set out in the Designated By-law. Where the contravention occurred on or continued for more than one day, the minimum penalty shall be calculated by multiplying the number of days by the minimum set out in the Designated By-Law; and
- (b) may make the reduction conditional on the Person correcting any non-compliance with the applicable Designated By-Law at issue by a specified date, and for the purpose of determining whether compliance has been achieved, may set an additional review date.

10.3. Subsections 8.3, 8.4, 8.5 and 14.1 apply to the additional review date provided for under subsection 10.2(b) with necessary modifications.

10.4. **Cancellation:** the Administrative Penalty may only be cancelled where:

- (a) the Requestor did not contravene the provision of the Designated By-law, or the requirement or condition of a licence, permit, order or direction set out in the Penalty Notice; or
- (b) the Officer otherwise failed to meet the requirements for issuing a Penalty Notice in a manner that could not be cured pursuant to subsection 8.6 of this By-law.

10.5. **Reduction:** other than a reduction under subsection 10.8, a reduction may only be granted where a lesser Administrative Penalty would be sufficient to promote compliance.

10.6. In determining whether a reduction should be granted, and if granted the amount of the reduction, the Screening Officer shall have regard to the relevant circumstances and the following factors:

- (a) whether, by the date of the Screening Review, the Requestor
 - (1) has complied with the Designated By-Law; or
 - (2) has made significant progress toward compliance and has provided a detailed plan with clear steps and reasonable timelines to achieve compliance;
- (b) whether Requestor's history and actions indicate a lesser Administrative Penalty will provide sufficient incentive for compliance, including:
 - (1) any prior history of non-compliance with the applicable Designated By-law or other by-laws of the Town; and
 - (2) how the Requestor responded to any efforts by the Town to promote compliance were made (such as warnings, notices, directions, orders etc.);
- (c) whether the lesser Administrative Penalty will be sufficient to counteract any incentives the Requestor may have for continued non-compliance, such as earning revenues or avoiding the costs associated with compliance; and
- (d) evidence of impecuniosity resulting in undue financial hardship, where applicable.

10.7. With respect to the factors in subsections 10.6 (c) and where applicable 10.6 (d), where the Requestor has failed to provide sufficient evidence for the Screening Officer to evaluate these factors, the Screening Officer may draw a negative inference.

10.8. **Reduction (for Previously Cancelled Penalty):** with respect to a graduated Administrative Penalty, where the prior Penalty Notice had been cancelled and as a consequence a lower Administrative Penalty is payable under the Administrative Penalty provisions of the Designated By-law, the Administrative Penalty may be reduced to the lower number provided for in the Designated By-Law.

10.9. **Extension:** an extension of the time for payment of the Administrative Penalty, including any Administrative Fees, may only be granted where an extension of time is necessary to prevent undue financial hardship.

10.10. The Screening Officer may issue a decision to the Requestor orally at the time of the review which shall be confirmed thereafter in writing to be delivered, by email. If applicable, the decision shall include the amount of the Administrative Penalty, any administrative fees to be paid and the final due date for payment.

14. FAIL TO APPEAR FOR SCREENING REVIEW

14.1. Where the Person requesting a review fails to Appear for the Screening Review of an Administrative Penalty by the Screening Officer:

- (a) the person shall be deemed to have abandoned the review;
- (b) the Administrative Penalty and any administrative is affirmed, final and not subject to further review; and
- (c) the person shall pay to the Town the prescribed Screening Fail to Appear Fee as identified in the Town's User Fee By-law.

15. REVIEW OF SCREENING DECISION BY HEARING OFFICER

15.1. A Person who has received a Screening Decision may request in writing a review of the Screening Decision by a Hearing Officer within 15 days after the Screening Decision is deemed to be served. The request shall be made in the format provided for by the Town for that purpose.

15.2. Subject to section 16, where no request for a review of the Screening Decision by a Hearing Officer is received within 15 days after the date the Screening Decision is deemed to be served, the Administrative Penalty is affirmed, final and not subject to further review.

15.3. The Requestor shall be notified:

- (a) that their request for a review has been received;

- (b) of the date and time of the review;
- (c) a timeline for the provision of a short summary of the reasons for the request together with any relevant documents, including without restriction relevant photographs or videos not previously provided, and
- (d) the format of the hearing, as determined by the Hearing Officer which may include in-person, over the telephone, or remotely by videoconference.

15.4. The Hearing Officer may request such information, documents or materials from the Requestor or the Town as the Hearing Officer considers relevant to the request and may set timelines for the production of information, documents or materials.

15.5. The Hearing Officer may amend the Penalty Notice as may be necessary if it appears that it fails to state or states defectively anything that is required to be stated. In considering whether or not an amendment should be made, the Hearing Officer shall consider whether the Requestor has been misled or prejudiced by the error or omission and whether the proposed amendment can be made without injustice being done.

16. EXTENSIONS OF TIME TO REQUEST A HEARING REVIEW

16.1. A Person may request in writing an extension by a Hearing Officer of the time set out in subsection 15.1. A request for an extension of time to review a Screening Decision shall be made in the format provided by the Town for that purpose and shall include the Penalty Notice number and the Person's contact information, together with:

- (a) reasons for the request of an extension of time and any relevant documents; and
- (b) reasons for the request for review and any relevant documents.

16.2. The Hearing Officer may request such information, documents or materials from the Requestor as the Hearing Officer considers relevant to the request and may set timelines for the production of information, documents or materials.

16.3. A Hearing Officer shall consider the request for an extension and make a determination as to whether to grant or deny the request.

16.4. The Hearing Officer may only grant the request to an extension of time to request a review of the Screening Decision where the Hearing Officer is satisfied:

- (a) the Requestor demonstrates extenuating circumstances for failing to request a review; and
- (b) acted as expeditiously as reasonably possible to request a review, given the extenuating circumstances.

16.5. Where an extension of time is not granted by the Screening Officer, the Administrative Penalty is deemed to be affirmed.

17. DECISION OF THE HEARING OFFICER

17.1. On a review of a Screening Decision by a Hearing Officer, the Hearing Officer is not bound by, and need not have regard for, any decision of the Screening Officer with respect to cancellation, reduction, or extension.

17.2. On a review of a Screening Decision, the Hearing Officer:

- (a) may cancel, reduce or extend the time for payment of the Administrative Penalty, including any late payment of Administrative Fees, if the Requestor demonstrates on a balance of probability that the applicable test for cancellation, reduction or extension set out in subsections 17.5, 17.6, 17.9 or 17.10 is met; or
- (b) if the Requestor fails to demonstrate a balance of probability that the applicable test is met, shall affirm the Administrative Penalty.

17.3. Where a Hearing Officer reduces an Administrative Penalty under subsection 17.6. the Hearing Officer:

- (a) shall not reduce the Administrative Penalty below the minimum penalty set out in the Designated By-law. Where the contravention occurred on or continued for more than one day, the minimum penalty shall be calculated by multiplying the number of days by the minimum set out in the Designated By-Law; and
- (b) may make the reduction conditional on the Person correcting any non-compliance with the applicable Designated By-Law at issue by a specified date, and for the purpose of determining whether compliance has been achieved, may set an additional review date.

17.4. Subsections 15.3, 15.4 and 18.1 apply to the additional review date provided for under subsection 17.4(b) with necessary modifications.

17.5. **Cancellation:** the Administrative Penalty may only be cancelled where:

- (a) the Requestor did not contravene the provision of the Designated By-law, or the requirement or condition of a licence, permit, order or direction set out in the Penalty Notice; or
- (b) the Officer otherwise failed to meet the requirements for issuing a Penalty Notice in a manner that could not be cured pursuant to subsection 15.5 of this By-law.

17.6. **Reduction:** other than a reduction under subsection 17.9, a reduction may only be granted where a lesser Administrative Penalty would be sufficient to promote compliance,

17.7. In determining whether a reduction should be granted, and if granted the amount of the reduction, the Hearing Officer shall have regard to the relevant circumstances and the following factors:

- (a) whether, by the date of the Screening Review, the Requestor
 - (1) has complied with the Designated By-Law; or
 - (2) has made significant progress toward compliance and has provided a detailed plan with clear steps and reasonable timelines to achieve compliance;
- (b) whether Requestor's history and actions indicate a lesser Administrative Penalty will provide sufficient incentive for compliance, including:
 - (1) any prior history of non-compliance with the applicable Designated By-law or other by-laws of the Town; and
 - (2) how the Requestor responded to any efforts by the Town to promote compliance were made (such as warnings, notices, directions, orders etc.);
- (c) whether the a lesser Administrative Penalty will be sufficient to counteract any incentives the Requestor may have for continued non-compliance, such as earning revenues or avoiding the costs associated with compliance; and
- (d) evidence of undue financial hardship, where applicable.

17.8. With respect to the factors in subsections 17.6 (c) and where applicable 17.6(d), where the Requestor has failed to provide sufficient

evidence for the Screening Officer to evaluate these factors, the Screening Officer may draw a negative inference.

17.9. **Reduction (for Previously Cancelled Penalty):** with respect to a graduated Administrative Penalty, where the prior Penalty Notice had been cancelled and as a consequence a lower Administrative Penalty is payable under the Administrative Penalty provisions of the Designated By-law, the Administrative Penalty may be reduced to the lower number provided for in the Designated By-Law.

17.10. **Extension:** an extension of the time for payment of the Administrative Penalty, including any Administrative Fees, may only be granted where an extension of time is necessary to prevent undue financial hardship.

17.11. The Screening Officer may issue a decision to the Requestor orally at the time of the review which shall be confirmed thereafter in writing to be delivered by mail, or email using the contact information provided by the Requestor. If applicable, the decision shall include the amount of the Administrative Penalty, any administrative fees to be paid and the final due date for payment.

17.12. The decision of the Hearing Officer is final and not subject to further review.

18. FAIL TO APPEAR FOR A HEARING

18.1. Where the Person requesting a Hearing fails to Appear for the Hearing:

- (a) the person shall be deemed to have abandoned the review;
- (b) the Administrative Penalty and any administrative is affirmed, final and not subject to further review; and
- (c) the person shall pay to the Town the prescribed Screening Fail to Appear Fee as identified in the Town's User Fee By-law.

19. JURISDICTION OF SCREENING AND HEARING OFFICER

19.1. Neither a Screening Officer nor a Hearing Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or bylaw or the constitutional applicability or operability of any statute, regulation or by-law.

20. GENERAL ADMINISTRATION

- 20.1. The Director may:
- (a) appoint such Screening Officers and Hearing Officers for reviewing contraventions in accordance with this By-law as the Director considers appropriate;
 - (b) designate locations within the Town for conducting reviews and hearings under this By-law;
 - (c) prescribe forms, notices, applications and documents to assist in the orderly operation of the administrative penalty system established by this By-law, including screenings and hearings or requests for same; and
 - (d) establish rules, practices, policies or guidelines for the orderly operation of the administrative penalty system established by this By-law, including screenings and hearings or requests for same.
- 20.2. An Administrative Penalty that is deemed to be affirmed is due and payable and constitutes a debt to the Town.
- 20.3. If an Administrative Penalty is not paid within 15 days after the day that it becomes due and payable, the treasurer of the Town may add the administrative penalty together with any applicable administrative fees to the tax roll for any property in the Town for which all of the owners are responsible for paying the Administrative Penalty, and collect it in the same manner as municipal taxes.
- 20.4. Where an Administrative Penalty and any applicable administrative fees are past due and have not been paid:
- (a) renewal or issuance of any licence, business licence or permit under a Town by-law will be denied until payment is received by the Town; and
 - (b) the Town may suspend or revoke any issued licence, business licence or permit until such time as the Administrative Penalty and any applicable administrative fees have been paid in full.
- 20.5. Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any administrative fees are also cancelled.

21. TRANSITION AND LIMITATION

- 21.1. Subject to subsection 3.2, a Penalty Notice may be issued for a contravention of a Designated By-Law that occurred before the coming into force of this By-Law.
- 21.2. An Officer shall not issue a Penalty Notice in respect of a contravention later than one year after the day on which the evidence of the contravention first came to the attention of an Officer of the Town, or in case of a contravention that occurred or continued for more than one day, the day on which the evidence of the last day of contravention first came to the attention of an Officer or the Town.

22. SHORT TITLE

The short title of this By-law is the “Administrative Penalties By-law”.

23. CONSEQUENTIAL AMENDMENTS

- (a) Adult Entrainment By-law No. 54-2003 is hereby amended by Schedule A of this By-law.
- (b) Adult Videotape Licensing By-law No. 53-2003 is hereby amended by Schedule B of this By-law.
- (c) Animal Control By-law No. 90-2004 is hereby amended by Schedule C of this By-law.
- (d) Anti-chasing and Tow Truck Licensing By-law No. 34-2006 is hereby amended by Schedule D of this By-law.
- (e) Body Rub Parlor Licensing By-law No. 37-2003 is hereby amended by Schedule E of this By-law.
- (f) Business License By-law No. 024-2018 is hereby amended by Schedule F of this By-law.
- (g) House Numbering By-law No. 26-2010 is hereby amended by Schedule G of this By-law.
- (h) Community Standards By-law No. 042-2020 is hereby amended by Schedule H of this By-law.
- (i) Election Sign By-law No. 011-2018 is hereby amended by Schedule I of this By-law.

- (j) Firearms By-law No. 062-2016 is hereby amended by Schedule J of this By-law.
- (k) Fireworks By-law 037-2009 is hereby amended by Schedule K of this By-law.
- (l) Noise By-law No. 133-2012 is hereby amended by Schedule L of this By-law.
- (m) Parks By-law No. 072-2006 is hereby amended by Schedule M of this By-law.
- (n) Portable Sign By-law No 87-2009 is hereby amended by Schedule N of this By-law.
- (o) Property Standards By-law No. 131-2012 is hereby amended by Schedule O of this By-law.
- (p) Road Occupancy, Fouling, and Entrance By-law No. 035-2020 is hereby amended by Schedule P of this By-law.
- (q) Short Term Rental By-law No. 062-2022 is hereby amended by Schedule Q of this By-law.
- (r) Signage By-law No. 120-2017 is hereby amended by Schedule R of this By-law.
- (s) Site Alteration By-Law No. 094-2022 is hereby amended by Schedule S of this By-law.
- (t) Stormwater Infrastructure By-law No. 095-2022 is hereby amended by Schedule T of this By-law.
- (u) Snow Removal By-law No. 106-2019 is hereby amended by Schedule U of this By-law.
- (v) Swimming Pool Fences By-law No. 77-2010 is hereby amended by Schedule V of this By-law.
- (w) Taxi and Limousine Licensing By-law No. 94-2004 is hereby amended by Schedule W of this By-law.
- (x) Farm Animals By-Law No. 42-87 is hereby amended by Schedule X of this By-law.

- (y) Vehicle For Hire By-Law No. 050-2023 is hereby amended by Schedule & of this By-law.

24. BY-LAW IN FORCE

24.1. If a court of competent jurisdiction should determine that a provision or part of a provision of this by-law is reasonably capable an interpretation which would render that provision to be unenforceable, invalid or void and an alternative interpretation would not have one of those consequences, then that provision shall be interpreted or construed so far as is possible, to be limited and read down such that its meaning is that which does not render it unenforceable, invalid or void. In the event a court of competent jurisdiction should declare any provision or part of a provision to be invalid, the remainder of this By-law shall continue in force.

24.2. This By-law shall come into full force and effect on **XXXXXX**

PASSED IN OPEN COUNCIL ON **XXXXX.**

_____ Mayor

Gordon A. Krantz

_____ Town Clerk

Schedule A of By-law No. x-2024

By-law No. 54-2003 Adult Entertainment Licensing being a By-law to regulate, license and govern adult entertainment establishments is hereby amended as follows:

1. by adding the following definitions to section 2:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

2. by replacing the definition of "person" in Section 2 with the following:

"person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by adding the following new heading and sections after section 77 and renumbering subsequent sections accordingly:

ADMINISTRATIVE PENALTIES

78. This By-law is a designated by-law under the Town's *AMPS By-Law*.

79. An *Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|---|--|---|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of sections 3 or 4 (licences) | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |

| Column | 1 | 2 | 3 |
|-------------------------------------|--|--|--|
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of sections 3 or 4 (licences) | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of sections 3 or 4 of (licences) | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

80. Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

81. Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of section 79 of this By-Law.

82. If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

83. Other than as set out in section 82 of this By-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

DRAFT

Schedule B of By-law No. x-2024

By-law No. 53-2003 Adult Videotape Licensing being a By-law to license, regulate and govern businesses which offer adult video tapes for sale, rent, trade or exchange is hereby amended as follows:

1. by adding the following definitions to section 2:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

2. by replacing the definition of "Person" in Section 2 with the following:

"Person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by adding the following new heading and sections after section 50 and renumbering subsequent sections accordingly:

ADMINISTRATIVE PENALTIES

51. This By-law is a designated by-law under the Town's *AMPS By-Law*.

52. An *Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|---|--|---|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | Contravention of sections 3 or 4 (licences) | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |

| Column | 1 | 2 | 3 |
|-------------------------------------|--|--|--|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of sections 3 or 4 (licences) | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of sections 3 or 4 of (licences) | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

53. Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

54. Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of section 52 of this By-Law.

55. If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

56. Other than as set out in section 55 of this By-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

DRAFT

Schedule C of By-law No. x-2024

By-law No. 090-2004 Animal Control being a By-law to regulate licensing and identification of domestic animals and to prohibit the keeping of certain animals is hereby amended as follows:

1. by adding the following definitions to section 1:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

2. by adding the following new heading and sections after section 72 and renumbering subsequent sections accordingly:

PART 9 - ADMINISTRATIVE PENALTIES

73. This By-law is a designated by-law under the Town's *AMPS By-Law*.

74. An *Animal Control Officer* or *Licensing Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|--|--|--|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Failure to comply with Muzzle Order or Interim Muzzle Order under Part 6 | \$ 500.00 for each day that the contravention occurred or <i>continued</i> | \$ 125.00 for each day that the contravention occurred or <i>continued</i> |

| Column | 1 | 2 | 3 |
|-------------------------------------|--|---|---|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$ 75.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Failure to comply with Muzzle Order or Interim Muzzle Order under Part 6 | \$ 750.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$ 93.75 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$ 450.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 112.50 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Failure to comply with Muzzle Order or Interim Muzzle Order under Part 6 | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$ 600.00 for each day that the contravention occurred or <i>continued</i> after the | \$ 150.00 for each day that the contravention occurred or |

| Column | 1 | 2 | 3 |
|------------|--------------------|--|---|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | date in the Second or subsequent <i>Penalty Notice</i> | <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

75. Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

76. Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of section 74 of this By-Law.

77. If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

78. Other than as set out in section 77 of this By-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

Schedule D of By-law No. x-2024

By-law No. 34-2006 Anti-Chasing – Tow Trucks is hereby amended as follows is hereby amended as follows:

1. by adding the following definitions to section 1 and revising the numbering accordingly:

"AMPS By-Law" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

"*continues*" or "*continued*" with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's AMPS By-Law;

"person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

2. by adding the following new heading and sections after section 4 and renumbering subsequent sections accordingly:

5. ADMINISTRATIVE PENALTIES

a) This By-law is a designated by-law under the Town's *AMPS By-Law*.

b) An *Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 1 of the following table for the applicable contravention:

| Column | 1 | 2 |
|-----------------------|---|--|
| Occurrence | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | \$ 700.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 175 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |

| Column | 1 | 2 |
|-------------------------------------|---|---|
| Occurrence | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| Third and subsequent Penalty Notice | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

c) Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

d) Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsections b)) of this By-Law.

e) If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

f) Other than as set out in subsection e) of this by-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

Schedule E of By-law No. x-2024

By-law No. 37-2003 Body Rub Parlor Licensing being a By-law to regulate license and govern body -rub parlors within the Town of Milton is hereby amended as follows:

1. by adding the following definitions to section 2:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the *Town's AMPS By-Law*;

"person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

2. by adding the following new heading and sections after section 75 and renumbering subsequent sections accordingly:

ADMINISTRATIVE PENALTIES

76. This By-law is a designated by-law under the Town's *AMPS By-Law*.

77. An *Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|---|--|---|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | Contravention of section 3 (licence requirements) | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention occurred or <i>continued</i> |

| Column | 1 | 2 | 3 |
|-------------------------------------|---|--|--|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| Second Penalty Notice | Contravention of section 3 (licence requirements) | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of section 3 (licence requirements) | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

78. Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

79. Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of section 77 of this By-Law.

80. If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

81. Other than as set out in section 80 of this by-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

DRAFT

Schedule F of By-law No. x-2024

By-law No. 024-2018 Business Licensing being a By-law to license, regulate and govern businesses within the Town of Milton is hereby amended as follows:

1. by adding the following definitions to section 1:

"AMPS By-Law" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

"*continues*" or "*continued*" with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Officer" includes a Municipal Law Enforcement Officer, a Licensing Officer, or an Animal Services Officer;

"Penalty Notice" means a notice issued pursuant to the Town's AMPS By-Law;

2. by replacing the definition of "Person" in Section 1 with the following:

"Person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by adding the following new heading and sections after section 27 and renumbering subsequent sections accordingly:

28. ADMINISTRATIVE PENALTIES

28.1 This By-law is a designated by-law under the Town's AMPS By-Law.

28.2 An Officer who is satisfied that a person has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a Penalty Notice to the person for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|---|--|---|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of subsection 4.3 (licence requirements) or a Direction under section 18.1 of this By-law | \$ 500.00 for each day that the contravention occurred | \$125.00 for each day that the contravention occurred or <i>continued</i> |

| Column | 1 | 2 | 3 |
|-------------------------------------|---|--|--|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | All other contraventions | \$300.00 for each day that the contravention occurred | \$75.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of subsection 4.3 (licence requirements) or a Direction under section 18.1 of this By-law | \$1000.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$600.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$150.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of subsection 4.3 (licence requirements) or a Direction under section 18.1 of this By-law | \$2,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$500.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$1,200.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$300.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

28.3 Each person who has been issued a Penalty Notice shall, be liable to pay the administrative penalty set out in the Penalty Notice to the Town within 15 days of the date of issuance.

28.4 Where a Penalty Notice has been canceled under the Town's AMPS By-Law it shall not be considered a Penalty Notice for the purposes of subsection 28.2 of this By-Law.

28.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

28.6. Other than as set out in subsection 28.5 of this by-law, the issuing of a Penalty Notice does not limit the Town's ability to initiate any other proceeding or seek any other remedy the Town deems appropriate to prevent the continuation or repetition of the contravention.

DRAFT

Schedule G of By-law No. x-2024

By-law No. 26-2010 House Numbering being a By-law to provide for the numbering of lots and buildings within the Town of Milton is hereby amended as follows:

1. by adding the following definitions to section 1.1:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

"person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

2. by adding the following new heading and sections after section 7 and renumbering subsequent sections accordingly:

8. ADMINISTRATIVE PENALTIES

8.1 This By-law is a designated by-law under the Town's AMPS By-Law.

8.2 A *Chief Fire Official*, a Municipal Law Enforcement Officer or such other persons as *Council* may designate who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 1 of the following table for the applicable contravention:

| Column | 1 | 2 |
|-----------------------|---|--|
| Occurrence | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | \$ 700.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 175 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |

| Column | 1 | 2 |
|-------------------------------------|---|---|
| Occurrence | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| Third and subsequent Penalty Notice | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

8.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

8.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 8.2 of this By-Law.

8.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

8.6 Other than as set out in subsection 8.5 of this By-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

Schedule H of By-law No. x-2024

By-law No. 042-2020 Community Standards being a By-law respecting litter, waste and property maintenance is hereby amended as follows:

1. by adding the following definitions to section 3:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Corporation" includes a company, corporation, cooperative, partnership, firm, sole proprietorship, association, society, organization or any other legal entity that is not a natural *person*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

2. by adding the following new heading and sections after section 14 and renumbering subsequent sections accordingly:

15 ADMINISTRATIVE PENALTIES

15.1 This By-law is a designated by-law under the Town's *AMPS By-Law*.

15.2 An *Municipal Law Enforcement Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|---|--|---|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of an Order under s.13.7 of this By-Law | \$ 300.00 for each day that the contravention occurred or <i>continued</i> | \$ 75.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$ 200.00 for each day that the contravention | \$ 50.00 for each day that the contravention |

| Column | 1 | 2 | 3 |
|-------------------------------------|---|---|---|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | | occurred or <i>continued</i> | occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of an Order under s.13.7 of this By-Law | \$ 600.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$ 150.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions under s.13.7 of this By-Law | \$ 400.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 100.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of an Order under s.13.7 of this By-Law | \$ 1,200.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 300.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$ 800.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 200.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or |

| Column | 1 | 2 | 3 |
|------------|--------------------|---|--|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | | | subsequent <i>Penalty Notice</i> |

15.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

15.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 15.2 of this By-Law.

15.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, an *Officer* may charge a *person* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

15.6 Other than as set out in subsection 15.5 of this By-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

Schedule I of By-law No. x-2024

By-law No. 011-2018 Election Sign being a By-law to manage and regulate election signs is hereby amended as follows:

1. by adding the following definitions to section 2:

AMPS By-Law shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

“continues” or “continued” with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

Penalty Notice means a notice issued pursuant to the Town’s *AMPS By-Law*;

2. by replacing the definition of “person” in Section 2 with the following:

person includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by adding the following new heading and sections after section 11 and renumbering subsequent sections accordingly:

12. ADMINISTRATIVE PENALTIES

12.1 This By-law is a designated by-law under the Town’s AMPS By-Law.

12.2 A Municipal Law Enforcement Officer who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 |
|-----------------------|---|--|
| Occurrence | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | \$ 700.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 175 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |

| Column | 1 | 2 |
|-------------------------------------|---|---|
| Occurrence | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| Third and subsequent Penalty Notice | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

12.3 Each person who has been issued a Penalty Notice shall, be liable to pay the administrative penalty set out in the Penalty Notice to the Town within 15 days of the date of issuance.

12.4 Where a Penalty Notice has been canceled under the Town's AMPS By-Law it shall not be considered a Penalty Notice for the purposes of subsection 12.2 of this By-Law.

12.5 If a person is issued a Penalty Notice, the person shall not be charged with an offence or issued an additional Penalty Notice in respect of the same contravention. For clarity, the person may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the Penalty Notice. Likewise, a person may be issued a Penalty Notice for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the Penalty Notices that have been issued.

12.6 Other than as set out in subsection 12.5 of this by-law, the issuing of a Penalty Notice does not limit the Town's ability to initiate any other proceeding or seek any other remedy the Town deems appropriate to prevent the continuation or repetition of the contravention.

Schedule J of By-law No. x-2024

By-law No. 062-2016 Firearms being a By-law to regulate the discharge of firearms is hereby amended as follows:

1. by adding the following definitions to section 2:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or "continued" with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

"person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

2. by adding the following new heading and sections after section 9 and renumbering subsequent sections accordingly:

10. ADMINISTRATIVE PENALTIES

10.1 This By-law is a designated by-law under the Town's AMPS By-Law.

10.2 A Law Enforcement Officer who is satisfied that a person has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a Penalty Notice to the person for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 |
|-----------------------|---|--|
| Occurrence | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | \$ 700.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 175 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |

| Column | 1 | 2 |
|-------------------------------------|---|---|
| Occurrence | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| Third and subsequent Penalty Notice | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

10.3 Each person who has been issued a Penalty Notice shall, be liable to pay the administrative penalty set out in the Penalty Notice to the Town within 15 days of the date of issuance.

10.4 Where a Penalty Notice has been canceled under the Town's AMPS By-Law it shall not be considered a Penalty Notice for the purposes of subsection 10.2 of this By-Law.

10.5 If a person is issued a Penalty Notice, the person shall not be charged with an offence in respect of the same contravention. For clarity, the Town may charge a person for a repetition of a contravention or in the case of a continuing contravention, a continuation of the contravention after the date in the Penalty Notice. Likewise, a *person* may be issued a *Penalty Notice* for a repetition or continuation of a contravention that occurred after the date of the offence set out in any charges that have been issued.

10.6 Other than as set out in subsection 10.5 of this by-law, the issuing of a Penalty Notice does not limit the Town's ability to initiate any other proceeding or seek any other remedy the Town deems appropriate to prevent the continuation or repetition of the contravention.

Schedule K of By-law No. 088-2024

By-law No. 037-2009 Fireworks being a By-law to prohibit and regulate the sale, storage, display and discharge of fireworks is hereby amended as follows:

3. by adding the following definitions to section 1:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

"person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

4. by adding the following new heading and sections after section 20 and renumbering subsequent sections accordingly:

21. ADMINISTRATIVE PENALTIES

21.1 This By-law is a designated by-law under the Town's AMPS By-Law.

21.2 A Law Enforcement Officer who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 |
|-----------------------|--|--|
| Occurrence | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | \$ 400.00 for each day that the contravention occurred or continued to occur | \$ 100 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | \$ 800.00 for each day that the contravention occurred or continued to occur | \$ 200 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |

| Column | 1 | 2 |
|-------------------------------------|--|---|
| Occurrence | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| Third and subsequent Penalty Notice | \$ 1,000.00 for each day that the contravention occurred or continued to occur | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

21.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

21.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 21.2 of this By-Law.

21.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

21.6 Other than as set out in subsection 21.5 of this By-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

Schedule L of By-law No. x-2024

By-law No. 133-2012 Noise being a By-law to prohibit and regulate noise within the Town of Milton is amended as follows:

1. by adding the following definitions to section 2:

“AMPS By-Law” shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

“*continues*” or “*continued*” with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

“Penalty Notice” means a notice issued pursuant to the Town’s AMPS By-Law;

“Corporation” includes a company, corporation, cooperative, partnership, firm, sole proprietorship, association, society, organization or any other legal entity that is not a natural person;

2. by replacing the definition of “person” with the following:

“person” includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by adding the following new heading and sections after section 7 and renumbering subsequent sections accordingly:

8 ADMINISTRATIVE PENALTIES

8.1 This By-law is a designated by-law under the Town’s *AMPS By-Law*.

8.2 A Municipal Law Enforcement Officer or a police officer who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of Table 1 (where the *person* is a natural *person*) or Table 2 (where the *person* is a *corporation*) for the applicable contravention:

| Table 1: Administrative Penalties for Natural Persons | | | |
|--|---------------------------------|---|--|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | Contravention of an Order under | \$ 500.00 for each day that the | \$125.00 for each day that |

| Table 1: Administrative Penalties for Natural Persons | | | |
|--|--|--|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | s.7.2 of this By-Law | contravention occurred | the contravention occurred or <i>continued</i> |
| | All other contraventions | \$ 200.00 for each day that the contravention occurred | \$50.00 for each day that the contravention occurred |
| Second Penalty Notice | Contravention of an Order under s.7.2 of this By-Law | \$ 1,000.00 for each day that the contravention occurred | \$ 250.00 for each day that the contravention occurred |
| | All other contraventions under s.13.7 of this By-Law | \$ 400.00 for each day that the contravention occurred | \$ 100.00 for each day that the contravention occurred or <i>continued</i> to occur |
| Third and subsequent Penalty Notice | Contravention of an Order under s.7.2 of this By-Law | \$ 1,000.00 for each day that the contravention occurred | \$ 250.00 for each day that the contravention occurred |
| | All other contraventions | \$ 800.00 for each day that the contravention occurred | \$ 200.00 for each day that the contravention occurred |

| Table 2: Administrative Penalties for Corporations | | | |
|---|---|---|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of an Order under s.7.2 of this By-Law | \$ 500.00 for each day that the contravention occurred or <i>continued</i> | \$ 125 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of an Order under s. 7.2 of this By-Law | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions under s.7.2 of this By-Law | \$ 800.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 200.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of an Order under s.7.2 of this By-Law | \$ 2,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 500.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or |

| Table 2: Administrative Penalties for Corporations | | | |
|---|---------------------------|---|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | | subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$ 1,600.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 400.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

8.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

8.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 8.2 of this By-Law.

8.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

8.6 Other than as set out in subsection 8.5 of this by-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

DRAFT

Schedule M of By-law No. x-2024

By-law No. 072-2006 Parks being a By-law to regulate parks within the Town of Milton is hereby amended as follows:

1. by adding the following definitions to section 1.1:

"*AMPS By-Law*" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

"*continues*" or "*continued*" with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"*Penalty Notice*" means a notice issued pursuant to the Town's AMPS By-Law;

2. by replacing the definition of "person" in Section 2 with the following:

"*person*" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by replacing section 22.1 with the following:

22.1 This By-law shall be enforced by Municipal Law Enforcement Officers, Police Officers, officers of the Burlington Humane Society and Conservation Halton or such other persons as the Director or Council may designate

4. by adding the following new heading and sections after section 22 and renumbering subsequent sections accordingly:

23. ADMINISTRATIVE PENALTIES

9.1 This By-law is a designated by-law under the Town's AMPS By-Law.

9.2 A *Municipal Law Enforcement Officer, Police Officers*, officers of the Burlington Humane Society and Conservation Halton, or such other persons as the Director or Council may designate, who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|-------------------------------------|--|--|--|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Failure to Comply with Direction under s.22.3 of this By-Law | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Failure to Comply with Direction under s.22.3 of this By-Law | \$800.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$200.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Failure to Comply with Direction under s.22.3 of this By-Law | \$1,600.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$400.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second |

| Column | 1 | 2 | 3 |
|------------|--------------------|---|--|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | | | or subsequent <i>Penalty Notice</i> |

9.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

9.4 Where a *Penalty Notice* has been canceled under the *Town's* AMPS By-Law it shall not be considered a *Penalty Notice* for the purposes of subsection 9.2 of this By-Law.

9.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

9.6 Other than as set out in subsection 9.5 of this by-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

Schedule N of By-law No. x-2024

By-law No. 087-2009 Signage (Portable) being a By-law to regulate the size use, location and maintenance of portable signs on private property is amended as follows:

1. by adding the following definitions to section 21

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

2. by replacing the definition of "person" in Section 1 with the following:

"person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by adding the following new heading and sections after section 11 and renumbering subsequent sections accordingly:

12. ADMINISTRATIVE PENALTIES

12.1 This By-law is a designated by-law under the Town's AMPS By-Law.

12.2 A *Municipal Law Enforcement Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|--|--|---|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | Contravention s. 3.1 (permit requirements) | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention |

| Column | 1 | 2 | 3 |
|-------------------------------------|--|--|--|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | | occurred or <i>continued</i> |
| Second Penalty Notice | Contravention s. 3.1 (permit requirements) | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention s. 3.1 (permit requirements) | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

12.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

12.4 Where a *Penalty Notice* has been canceled under the *Town's* AMPS By-Law it shall not be considered a *Penalty Notice* for the purposes of subsection 12.2 of this By-Law.

12.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

12.6 Other than as set out in subsection 12.5 of this by-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

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Schedule O of By-law No. x-2024

By-law No. 131-2012 Property Standards being a By-law to prescribe the standards for maintenance and occupancy of properties in the Town of Milton is amended as follows:

1. by adding the following definitions to section 5:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

"Corporation" includes a company, corporation, cooperative, partnership, firm, sole proprietorship, association, society, organization or any other legal entity that is not a natural person;

2. by replacing the definition of *"Person"* in Section 5 with the following:

"Person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by adding the following new heading and sections after section 58 and renumbering subsequent sections accordingly:

59. ADMINISTRATIVE PENALTIES

59.1 This By-law is a designated by-law under the Town's *AMPS By-Law*.

59.2 An *Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of Table 1 (where the *person* is a natural *person*) or Table 2 (where the *person* is a *corporation*) for the applicable contravention:

| Table 1: Administrative Penalties for Natural Persons | | | |
|--|---------------------------------|---|--|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of an Order under | \$ 300.00 for each day that the contravention | \$ 75.00 for each day that the |

| Table 1: Administrative Penalties for Natural Persons | | | |
|--|---|---|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | s.49.1 of this By-Law | occurred or <i>continued</i> | contravention occurred or <i>continued</i> |
| | All other contraventions | \$ 200.00 for each day that the contravention occurred or <i>continued</i> | \$ 50.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of an Order under s.49.1 of this By-Law | \$ 500.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$ 125.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$ 400.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 100.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of an Order under s.49.1 of this By-Law | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or |

| Table 1: Administrative Penalties for Natural Persons | | | |
|--|---------------------------|---|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | | | subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$ 800.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 200.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

| Table 2: Administrative Penalties for Corporations | | | |
|---|---|--|--|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of an Order under s.49.1 of this By-Law | \$ 500.00 for each day that the contravention occurred or <i>continued</i> | \$ 125.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of an Order under s.49.1 of this By-Law | \$ 1,000.00 for each day that the contravention occurred or | \$ 250.00 for each day that the contravention |

| Table 2: Administrative Penalties for Corporations | | | |
|---|---|---|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | | <i>continued</i> after the date in the First <i>Penalty Notice</i> | occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$ 800.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 200.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent <i>Penalty Notice</i> | Contravention of an Order under s.49.1 of this By-Law | \$ 2,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 500.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$ 1,600.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 400.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

59.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

59.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 59.2 of this By-Law.

59.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence in respect of the same contravention. For clarity, the *Town* may charge a person for a repetition of a contravention or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a repetition or continuation of a contravention that occurred after the date of the offence set out in any charges that have been issued.

59.6 Other than as set out in subsection 59.5 of this by-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

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Schedule P of By-law No. x-2024

Road Occupancy, Fouling, and Entrance Permit Bylaw No. 035-2020 being a By-law to regulate the construction, installation, widening, altering of entrances to and the occupation or fouling of road allowances under the jurisdiction of the Town is hereby amended as follows:

1. by adding the following definitions to section 1:

"AMPS By-Law" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

"*continues*" or "*continued*" with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Officer" includes a Municipal Law Enforcement Officer, Police Officer or such other person as may be designated by the *Director* for the enforcement of this By-law;

"Penalty Notice" means a notice issued pursuant to the Town's AMPS By-Law;

2. by adding the following new heading and sections after Part XII and renumbering subsequent sections accordingly:

Part XIII ADMINISTRATIVE PENALTIES

52. This By-law is a designated By-law under the Town's AMPS By-Law.

53. An Officer who is satisfied that a person has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a Penalty Notice to the person for each contravention in the amount set out in Column 2 of Table 1 (where the person is an individual) or Table 2 (where the person is a corporation) for the applicable contravention:

| Table 1: Administrative Penalties for Individuals | | | |
|--|--|--|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of section 2, 3 or 5 (permits) | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |

| Table 1: Administrative Penalties for Individuals | | | |
|--|--|--|--|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of section 2, 3 or 5 (permits) | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of section 2, 3 or 5 (permits) | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention | \$175.00 for each day that the |

| Table 1: Administrative Penalties for Individuals | | | |
|--|---------------------------|---|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

| Table 2: Administrative Penalties for Corporations | | | |
|---|--|--|--|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | Contravention of section 2, 3 or 5 (permits) | \$ 500.00 for each day that the contravention occurred or <i>continued</i> | \$ 125.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of section 2, 3 or 5 (permits) | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the |

| Table 2: Administrative Penalties for Corporations | | | |
|---|--|---|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | | | First <i>Penalty Notice</i> |
| | All other contraventions | \$ 800.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 200.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent <i>Penalty Notice</i> | Contravention of section 2, 3 or 5 (permits) | \$ 2,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 500.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$ 1,600.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 400.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

54. Each person who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the Town within 15 days of the date of issuance.

55. Where a Penalty Notice has been canceled under the Town's AMPS By-Law it shall not be considered a Penalty Notice for the purposes of section 53 of this By-Law.

56. If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

57. Other than as set out in section 56 of this By-law, the issuing of a Penalty Notice does not limit the Town's ability to initiate any other proceeding or seek any other remedy the Town deems appropriate to prevent the continuation or repetition of the contravention.

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Schedule Q of By-law No. x-2024

By-law No. 062-2022 Short Term Rental being a By-law to license short term rentals and to regulate all related activity is hereby amended as follows:

4. by adding the following definitions to subsection 3.1:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

5. by changing the subsection referred to in subsection 14.6 from "subsection 14.4" to "subsection 14.5";
6. by repealing the text of subsection 16.3 and replacing the text of subsection 16.3 with the following:

16.3 Any Person who is charged with an offence under this By-law by the laying of an information under Part III of the Provincial Offences Act and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, would be subject to the following fines:

- (a) Except in the case of a continuing offence, a minimum fine of \$500 and a maximum fine of \$100,000; and
- (b) In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500, and a maximum fine of \$10,000, but the total of all daily fines for the offence is not limited to \$100,000,

7. by adding the following new heading and sections after section 16 and renumbering subsequent sections accordingly:

17. ADMINISTRATIVE PENALTIES

17.1 This By-law is a designated by-law under the Town's *AMPS By-Law*.

17.2 An *Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|-------------------------------------|---------------------------------|--|--|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of s. 4.1 or 14.5 | \$ 500.00 for each day that the contravention occurred or <i>continued</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of s. 4.1 or 14.5 | \$1000.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$600.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$150.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of s. 4.1 or 14.5 | \$2,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$500.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$1,200.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$300.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second |

| Column | 1 | 2 | 3 |
|------------|--------------------|---|--|
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | | | or subsequent <i>Penalty Notice</i> |

17.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

17.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 17.2 of this By-Law.

17.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

17.6 Other than as set out in subsection 17.5 of this By-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

Schedule R of By-law No. x-2024

By-law No. 120-2017 Signage being a By-law to regulate the size, use, location, and maintenance of sign and advertising devices on private property within the Town of Milton is amended as follows:

1. by adding the following definitions to section 2:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*.

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

2. by replacing the definition of "Person" in Section 2 with the following:

"Person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by adding the following new heading and sections after section 10 and renumbering subsequent sections accordingly:

11. ADMINISTRATIVE PENALTIES

11.1 This By-law is a designated by-law under the Town's AMPS By-Law.

11.2 A Municipal Law Enforcement Officer or Chief Building Official who is satisfied that a person has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a Penalty Notice to the person for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|--|---|--|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | Contravention of a direction under subsection 10.1.2 or contravention of subsections 3.7, 5.4 or 5.9 (permits/approvals) | \$ 400.00 for each day that the contravention occurred or continued | \$100.00 for each day that the contravention occurred or continued |

| Column | 1 | 2 | 3 |
|-------------------------------------|--|--|--|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | All other contraventions | \$300.00 for each day that the contravention occurred or continued | \$75.00 for each day that the contravention occurred or continued |
| Second Penalty Notice | Contravention of a direction under subsection 10.1.2 or contravention of subsections 3.7, 5.4 or 5.9 (permits/approvals) | \$700.00 for each day that the contravention occurred or continued after the date in the First Penalty Notice | \$175.00 for each day that the contravention occurred or continued after the date in the First Penalty Notice |
| | All other contraventions | \$500.00 for each day that the contravention occurred or continued to occur after the date in the First Penalty Notice | \$125.00 for each day that the contravention occurred or continued to occur after the date in the First Penalty Notice |
| Third and subsequent Penalty Notice | Contravention of a direction under subsection 10.1.2 or contravention of subsections 3.7, 5.4 or 5.9 (permits/approvals) | \$1,000.00 for each day that the contravention occurred or continued after the date in the Second or subsequent Penalty Notice | \$250.00 for each day that the contravention occurred or continued after the date in the Second or subsequent Penalty Notice |
| | All other contraventions | \$700.00 for each day that the contravention occurred or continued after the date in the Second or subsequent Penalty Notice | \$175.00 for each day that the contravention occurred or continued after the date in the Second or subsequent Penalty Notice |

11.3 Each person who has been issued a Penalty Notice shall, be liable to pay the administrative penalty set out in the Penalty Notice to the Town within 15 days of the date of issuance.

11.4 Where a Penalty Notice has been canceled under the Town's AMPS By-Law it shall not be considered a Penalty Notice for the purposes of subsection 11.2 of this By-Law.

11.5 If a person is issued a Penalty Notice, the person shall not be charged with an offence or issued an additional Penalty Notice in respect of the same contravention. For clarity, the person may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the Penalty Notice. Likewise, a person may be issued a Penalty Notice for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the Penalty Notices that have been issued.

11.6 Other than as set out in subsection 11.5 of this by-law, the issuing of a Penalty Notice does not limit the Town's ability to initiate any other proceeding or seek any other remedy the Town deems appropriate to prevent the continuation or repetition of the contravention.

Schedule S of By-law No. x-2024

By-law No. 094-2022 Site Alteration being a By-law to prohibit and regulate the placing, depositing, cutting or removal of fill or the altering of grades or drainage on any lands is hereby amended as follows:

1. by adding the following definitions to section 1:

"*AMPS By-Law*" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

"*continues*" or "*continued*" with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"*Penalty Notice*" means a notice issued pursuant to the Town's *AMPS By-Law*;

2. by adding the following new heading and sections after section 13 and renumbering subsequent sections accordingly:

14. ADMINISTRATIVE PENALTIES

14.1 This By-law is a designated by-law under the Town's *AMPS By-Law*.

14.2 The *Director* or an *Inspector* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a *permit*, or *order*, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of Table 1 (where the *person* is an *individual*) or Table 2 (where the *person* is a *corporation*) for the applicable contravention:

| Table 1: Administrative Penalties for Individuals | | | |
|--|---|--|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of ss.2.3 or 2.11 (permits) or ss. 2.4, 12.6, 12.7 or 12.8 (orders) | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$300.00 for each day that the contravention | \$75.00 for each day that the contravention |

| Table 1: Administrative Penalties for Individuals | | | |
|--|---|--|--|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | occurred or <i>continued</i> | occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of ss.2.3 or 2.11 (permits) or ss. 2.4, 12.6, 12.7 or 12.8 (orders) | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of ss.2.3 or 2.11 (permits) or ss. 2.4, 12.6, 12.7 or 12.8 (orders) | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the |

| Table 1: Administrative Penalties for Individuals | | | |
|--|---------------------------|--|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | | or subsequent <i>Penalty Notice</i> | Second or subsequent <i>Penalty Notice</i> |

| Table 2: Administrative Penalties for Corporations | | | |
|---|---|--|--|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of ss.2.3 or 2.11 (permits) or ss. 2.4, 12.6, 12.7 or 12.8 (orders) | \$ 500.00 for each day that the contravention occurred or <i>continued</i> | \$ 125.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of ss.2.3 or 2.11 (permits) or ss. 2.4, 12.6, 12.7 or 12.8 (orders) | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$ 800.00 for each day that the | \$ 200.00 for each day that |

| Table 2: Administrative Penalties for Corporations | | | |
|---|---|---|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent <i>Penalty Notice</i> | Contravention of ss.2.3 or 2.11 (permits) or ss. 2.4, 12.6, 12.7 or 12.8 (orders) | \$ 2,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 500.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$ 1,600.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 400.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

14.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

14.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 14.2 of this *By-Law*.

14.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different

contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the Penalty Notice. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

14.6 Other than as set out in subsection 14.5 of this by-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

DRAFT

Schedule T of By-law No. x-2024

By-law No. 095-2022 Stormwater Infrastructure being a By-law to regulate the use of municipal stormwater infrastructure in the Town of Milton is hereby amended as follows:

1. by adding the following definitions to section 1:

"AMPS By-Law" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

"continues" or "continued" with respect to a contravention, shall have the same meaning;

"Penalty Notice" means a notice issued pursuant to the Town's AMPS By-Law;

2. by adding the following new heading and sections after section 9 and renumbering subsequent sections accordingly:

10. ADMINISTRATIVE PENALTIES

10.1 This By-law is a designated by-law under the Town's AMPS By-Law.

10.2 The *Director* or a Municipal Law Enforcement Officer who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a *permit*, or *order*, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of Table 1 (where the *person* is an *individual*) or Table 2 (where the *person* is a *corporation*) for the applicable contravention:

| Table 1: Administrative Penalties for Individuals | | | |
|--|--|--|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of s. 3.1 (discharge) or 6.1 (permits) or failure to comply with an <i>order</i> contrary to s.8.4 or s.8.5. | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention |

| Table 1: Administrative Penalties for Individuals | | | |
|--|--|--|--|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | | occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of s. 3.1 Discharge or s.6.1 (permits) or failure to comply with an <i>order</i> contrary to s.8.4 or s.8.5. | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of s. 3.1 (discharge) s.6.1 (permits) or failure to comply with an <i>order</i> contrary to s.8.4 or s.8.5. | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the |

| Table 1: Administrative Penalties for Individuals | | | |
|--|---------------------------|--|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| | | or subsequent <i>Penalty Notice</i> | Second or subsequent <i>Penalty Notice</i> |

| Table 2: Administrative Penalties for Corporations | | | |
|---|---|--|--|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty <i>per</i> Contravention | Minimum Penalty <i>per</i> Contravention |
| First Penalty Notice | Contravention of s. 3.1 (discharge) s.6.1 (permits) or failure to comply with an <i>order</i> contrary to s.8.4 or s.8.5. | \$ 500.00 for each day that the contravention occurred or <i>continued</i> | \$ 125.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of s. 3.1 (discharge) s.6.1 (permits) or failure to comply with an <i>order</i> contrary to s.8.4 or s.8.5. | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$ 800.00 for each day that the | \$ 200.00 for each day that |

| Table 2: Administrative Penalties for Corporations | | | |
|---|---|---|---|
| Column | 1 | 2 | 3 |
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent <i>Penalty Notice</i> | Contravention of s. 3.1 (discharge) s.6.1 (permits) or failure to comply with an <i>order</i> contrary to s.8.4 or s.8.5. | \$ 2,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 500.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$ 1,600.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 400.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

10.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

10.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 10.2 of this *By-Law*.

10.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

10.6 Other than as set out in section 10.5 of this by-law, the issuing of a *Penalty Notice* does not limit the Town's ability to initiate any other proceeding or seek any other remedy the Town deems appropriate to prevent the continuation or repetition of the contravention.

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Schedule U of By-law No. x-2024

By-law No. 106-2019 Removal of Snow and Ice being a By-law to provide for the removal of snow and ice from sidewalks within the Town of Milton is hereby amended as follows:

1. by adding the following definitions to section 1:

"AMPS By-Law" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

"continues" or "continued" with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's AMPS By-Law;

2. by adding the following new heading and sections after section 3 and renumbering subsequent sections accordingly:

4. ADMINISTRATIVE PENALTIES

4.1 This By-law is a designated by-law under the Town's AMPS By-Law.

4.2 A Municipal Law Enforcement Officer who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 |
|-------------------------------------|---|---|
| Occurrence | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$ 100.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | \$ 700.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$ 175.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | \$ 1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$ 250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

4.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

4.4 Where a *Penalty Notice* has been canceled under the *Town's* AMPS By-Law it shall not be considered a *Penalty Notice* for the purposes of subsection 4.2 of this By-Law.

4.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

4.6 Other than as set out in subsection 4.5 of this by-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

DRAFT

Schedule V of By-law No. x-2024

By-law No. 077-2010 Swimming Pool Fences being a By-law to require the owners of privately owned swimming pools to erect and maintain fences and gates around such swimming pools is hereby amended as follows:

1. by adding the following definitions to section 2:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

2. by replacing the definition of *"person"* in Section 2 with the following:

2.1.8 *"person"* includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

3. by adding the following new heading and sections after section 8 and renumbering subsequent sections accordingly:

SECTION 9 ADMINISTRATIVE PENALTIES

9.1 This By-law is a designated by-law under the Town's AMPS By-Law.

9.2 A *Municipal Law Enforcement Officer* or *Chief Building Official* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|--|--|---|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | Contravention of s. 6.1 or failure to comply with an order under s. 7.1.2. | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |

| Column | 1 | 2 | 3 |
|-------------------------------------|--|--|--|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of s. 6.1 or failure to comply with an order under s. 7.1.2. | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the <i>First Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the <i>First Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the <i>First Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the <i>First Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of s. 6.1 or failure to comply with an order under s. 7.1.2. | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the <i>Second or subsequent Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the <i>Second or subsequent Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the <i>Second or subsequent Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the <i>Second or subsequent Penalty Notice</i> |

9.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

9.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 9.2 of this *By-Law*.

9.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this *By-Law*, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this *By-Law*, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

9.6 Other than as set out in subsection 9.5 of this *By-law*, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

Schedule X of By-law No. x-2024

By-law No. 42-87 Being a By-law to provide for the keeping of pounds and prohibiting the running at large or trespassing of domestic farm animals, other than dogs, in the Town of Milton is hereby amended as follows:

1. by adding the following definitions to section 1:

"AMPS By-Law" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law as amended or any successor thereto;

"continues" or "continued" with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Officer" includes the Poundkeeper, a Municipal Law Enforcement Officer, Police Officer or such other person as may be designated for the enforcement of this By-law;

"Penalty Notice" means a notice issued pursuant to the Town's AMPS By-Law;

"Person" includes a natural person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;

2. by capitalising the word "Person" and deleting the words "or corporation" from sections 2 and 3.
3. by capitalising the word "Person" and deleting the words "or corporation," from sections 11.
4. by adding the following new section after section 11 and renumbering subsequent sections accordingly:
 11. No person who, without the permission of the Poundkeeper, or other person who has impounded any animals running at large or trespassing, shall remove or free such animal or animals from where impounded, without the written authorization of the Poundkeeper,
5. by adding the following new sections and subheading after section 12 and renumbering subsequent sections accordingly:

ADMINISTRATIVE PENALTIES

13. This By-law is a designated by-law under the *Town's AMPS By-Law*.

14. An *Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|-------------------------------------|--|--|--|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | Contravention of section 11 (removing or freeing impounded animal) | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of section 11 (removing or freeing impounded animal) | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of section 11 (removing or freeing impounded animal) | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention occurred or <i>continued</i> | \$175.00 for each day that the contravention occurred or |

| Column | 1 | 2 | 3 |
|-------------------|---------------------------|--|---|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | after the date in the Second or subsequent <i>Penalty Notice</i> | <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

15. Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

16. Where a *Penalty Notice* has been canceled under the *Town's* AMPS By-Law it shall not be considered a *Penalty Notice* for the purposes of section 14 of this By-Law.

17. If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

18. Other than as set out in section 17 of this By-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

Schedule Y of By-law No. x-2024

By-law No. 050-2023 being a by-law to regulate and license vehicles for hire is hereby amended as follows:

1. by adding the following definitions to section 3:

"AMPS By-Law" shall mean the *Administrative Monetary Penalties System Respecting Non-Parking Violations By-Law* as amended or any successor thereto;

"continues" or *"continued"* with respect to a contravention, shall have the same meaning as in the *AMPS By-Law*;

"Penalty Notice" means a notice issued pursuant to the Town's *AMPS By-Law*;

2. by deleting the definition of *"Officer"* in sections 3 and replacing it with the following:

"Officer" includes a Municipal Law Enforcement Officer, Licensing Officer, Police Officer or such other person as may designated for the enforcement of this By-law;

3. by adding the following new heading and sections after section 12 and renumbering subsequent sections accordingly:

13. ADMINISTRATIVE PENALTIES

13.1 This By-law is a designated by-law under the *Town's AMPS By-Law*.

13.2 An *Officer* who is satisfied that a *person* has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a *Penalty Notice* to the *person* for each contravention in the amount set out in Column 2 of the following table for the applicable contravention:

| Column | 1 | 2 | 3 |
|----------------------|---|--|---|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| First Penalty Notice | Contravention of sections 5.1, 5.2, 5.5, 5.6 or 5.7 (Licencing, etc.) or contravention of section 10.6 (Orders) | \$ 400.00 for each day that the contravention occurred or <i>continued</i> | \$100.00 for each day that the contravention occurred or <i>continued</i> |
| | All other contraventions | \$300.00 for each day that the contravention occurred or <i>continued</i> | \$75.00 for each day that the contravention |

| Column | 1 | 2 | 3 |
|-------------------------------------|---|--|--|
| Occurrence | Contravention Type | Administrative Penalty per Contravention | Minimum Penalty per Contravention |
| | | | occurred or <i>continued</i> |
| Second Penalty Notice | Contravention of sections 5.1, 5.2, 5.5, 5.6 or 5.7 (Licencing, etc.) or contravention of section 10.6 (Orders) | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the First <i>Penalty Notice</i> |
| | All other contraventions | \$500.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> | \$125.00 for each day that the contravention occurred or <i>continued</i> to occur after the date in the First <i>Penalty Notice</i> |
| Third and subsequent Penalty Notice | Contravention of sections 5.1, 5.2, 5.5, 5.6 or 5.7 (Licencing, etc.) or contravention of section 10.6 (Orders) | \$1,000.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$250.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |
| | All other contraventions | \$700.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> | \$175.00 for each day that the contravention occurred or <i>continued</i> after the date in the Second or subsequent <i>Penalty Notice</i> |

13.3 Each *person* who has been issued a *Penalty Notice* shall, be liable to pay the administrative penalty set out in the *Penalty Notice* to the *Town* within 15 days of the date of issuance.

13.4 Where a *Penalty Notice* has been canceled under the *Town's AMPS By-Law* it shall not be considered a *Penalty Notice* for the purposes of subsection 13.2 of this By-Law.

13.5 If a *person* is issued a *Penalty Notice*, the *person* shall not be charged with an offence or issued an additional *Penalty Notice* in respect of the same contravention. For clarity, the *person* may be charged for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the *Penalty Notice*. Likewise, a *person* may be issued a *Penalty Notice* for a different contravention of this By-Law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the *Penalty Notices* that have been issued.

13.6 Other than as set out in subsection 13.5 of this By-law, the issuing of a *Penalty Notice* does not limit the *Town's* ability to initiate any other proceeding or seek any other remedy the *Town* deems appropriate to prevent the continuation or repetition of the contravention.

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|--|------------------------|
| POLICY: Public Complaints | NO. OF PAGES: 3 |
| SECTION: Administrative Penalty System for Parking and Non-Parking Offences | REVISED: |
| EFFECTIVE DATE: | |

Policy Statement

The Town of Milton has adopted an Administrative Penalty System (APS) for the dispute resolution and administration of parking and non-parking by-law offences within the Town of Milton.

The Town has authorized the appointment and use of Screening Officers and a Hearing Officer to adjudicate disputes related to Penalty Notices issued for non-compliance of municipal by-laws.

In accordance with Ontario regulation 333/07, the Town is required to develop a policy to address public complaints regarding the administration of the APS program. The same policies will apply to the APS Non-Parking program.

Purpose

The purpose of this policy to provide a standardized, and efficient mechanism for filing and processing of complaints made by the public with respect to the administration of the Town's Administrative Penalty System (APS) program.

Applicability

This policy applies to any member of the public who has a complaint with respect to the administration of the Administrative Penalty System (APS) program.

Procedure

The following procedure will be followed by the Town, should a complaint be made with respect to the administration of the system.

The Complainant may be asked to provide additional written details, supporting documentation, and records concerning the complaint to ensure a complete investigation can commence.



Time Limitations

In order to achieve due process, a complaint must be made in a timely fashion, not later than thirty (30) days after the facts on which it is based became known, or reasonably ought to have become known, to the Complainant.

The Director of Legislative & Legal Services or designate will also adhere to the timelines set out in this policy unless circumstances exist to reasonably justify a delay. In the event that a delay becomes necessary, the Complainant shall be notified in writing of the reason for delay and will be advised of the date when the response will be forthcoming. A copy of the notification will be retained for tracking purposes.

Process

- a) Any public complaint must be submitted in writing, identifying the name and full contact information of the Complainant, and sent to the Director of Legislative & Legal Services, or designate within 30 days in respect to the date of the event for which the complaint is being made.
- b) Complaints that are anonymous will not be accepted.
- c) Any complaint regarding a Member of Council in respect of the administration of APS shall be processed in accordance with the Code of Conduct for Members of Council.
- d) The Director of Legislative & Legal Services, or designate, will not address or process any public complaint that is deemed by the Director of Legislative & Legal Services, or designate, as frivolous, vexatious, trivial or made in bad faith.
- e) Any deemed resolution of a formal complaint will be addressed by written response by the Director of Legislative & Legal Services, or designate, to the person filing the complaint. A public complaint sustained through a review cannot be used as the basis to change or void a decision of a Screening Officer or Hearing Officer, including any penalty fines and administrative fees due or paid.
- f) The Director of Legislative & Legal Services or designate will provide a written response concerning the complaint, set out his/her decision and, where appropriate, the reasons therefore, to the Complainant with a copy to the Director of Legislative & Legal Services, within thirty **(30)** working days of receipt of the complaint.



Complaint Alleging Misconduct by Decision-Makers under this Policy

In the event that a complaint arises alleging misconduct on the part of a decision-maker under this policy, the Director of Legislative & Legal Services or designate may assign a senior staff member to conduct the investigation.

Withdrawal of Complaint

A Complainant may withdraw their complaint at any time by providing a written request to withdraw. Notwithstanding a withdrawal, the Town may continue to deal with the complaint if it considers it appropriate to do so. When withdrawn, the Director of Legislative & Legal Services or designate will be notified that the complaint has been withdrawn and will be advised by the Director of Legislative & Legal Services or designate whether the investigation will continue nonetheless.

Confidentiality

The public complaint resolution will be handled as a confidential matter according to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M.56*. All parties involved will be advised to maintain the confidentiality of the complaints or incidents.

Recordkeeping and Disclosure of Complaints

The official records relating to this public complaint resolution will be managed by the Director of Legislative & Legal Services or designate according to the Town's Records Retention By-law.



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|------------------------|---|------------------------|
| POLICY: | Screening & Hearing Officer Conflict of Interest | NO. OF PAGES: 6 |
| SECTION: | Administrative Penalty System for Parking and Non-Parking Related Offences | REVISED: |
| EFFECTIVE DATE: | Mar 25, 2024 | |

Policy Statement

The Town of Milton has adopted an Administrative Penalty System (APS) for the dispute resolution and administration of parking and non-parking by-law offences within the Town of Milton.

The Town has authorized the appointment and use of Screening Officers and a Hearing Officer to adjudicate disputes related to Penalty Notices issued for non-compliance of municipal by-laws.

In accordance with Ontario regulation 333/07, the Town is required to develop a policy to address public complaints regarding the administration of the APS program. The same policies will apply to the APS Non-Parking program.

Purpose

To provide a standardized guideline to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur.

This policy is to establish conflict of interest guidelines to ensure that the APS program administration is conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence and integrity.



Application

This policy applies to the person(s) appointed by the Town of Milton as a Screening or Hearing Officer, and all Town officials and any employee involved in the administration of APS program.

Definitions

For the purpose of this policy, the following definitions are to be interpreted:

“**APS**” means Administrative Penalty System

“**Council**” means the Council of the Town;

“**Delegated Power of Decision**” means a power or right, conferred by or under a Town By-Law, to make a decision deciding or prescribing, the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or the eligibility of any person or party to receive, or to the continuation of, a benefit or license, whether the person is legally entitled thereto or not.

“**Director of Legislative & Legal Services**” means the Director of Legal and Legislative Services, or designate, or anyone designated by the Director of Legal & Legislative Services to perform duties pursuant to the Administrative Penalty System (APS)

“**Hearing Review**” means the process set out in the Administrative Penalty System program

“**Hearing Officer**” means each person appointed from time to time to perform the functions of a Hearing Officer pursuant to the APS program.

“**Penalty Notice**” means a notice given to a Person.

“**Person**” includes an individual, or a business name, sole proprietorship, corporation, partnership or an authorized representative thereof, whose name appears on the vehicle license plate portion of the permit as provided by the Ontario Ministry of Transportation is the Person for the purposes of this Policy.

“**Relative**” includes any of the following Persons:

- (i) “**Child**” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of their family;



- (ii) “Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (iii) Siblings and children of siblings
- (iv) Aunt, uncle, niece and nephew
- (v) “Parent” means a person who has demonstrated a settled intention to treat a child as a member of their family whether or not that person is the natural parent of the child or is the legal guardian

“**Screening Decision**” means a notice or report which contains the decision of a Screening Officer delivered in accordance with the APS program.

“**Screening Officer**” means each person designated by the Director of Legislative & Legal Services to perform the functions of a Screening Officer pursuant to the APS program.

“**Screening Review**” means the process set out in section the APS program.

“**Town**” means The Corporation of the Town of Milton;

The positions of Screening Officers and Hearing Officers are established for the purpose of exercising Delegated Powers of Decision.

Appointments of Screening Officers and Hearing Officers

The Town’s APS By-law sets out the rules regarding the appointment of Screening Officers and Hearing Officers.

The following are not eligible for appointment or as a Screening Officer or a Hearing Officer:

- a) A member of Council or a Relative of a Member of Council
- b) An individual indebted to the Town
 - i) in respect of current real property taxes; or
 - ii) pursuant to any other outstanding arrangement with the Town the terms with which the person is not in compliance.
- (iii) is the subject of any outstanding fines or judgements as levied by any court of competent jurisdiction.
- (iv) is in tax arrears and or in the collections process with the Town.



- c) In the case of a Hearing Officer, cannot be an employee of the Town

Conflict of Interest

A conflict of interest arises where a Screening Officer, Hearing Officer or Town staff involved in the administration of the APS program has a personal or business interest that conflicts, might conflict, or may be perceived to conflict with the interests of the APS program. A conflict of interest could arise in relation to personal or business matters including:

- Directorships or other employment;
- Interests in business enterprises or professional practices;
- Share ownership or beneficial interests in trusts;
- Existing professional or personal associations with a Person;
- Professional associations or relationships with other organizations; and
- Personal associations with other groups or organizations, or family relationships including Relatives.

Screening Officers and Hearing Officers have obligations to conduct Screening Reviews and Hearing Reviews in an impartial manner at all times. Hearing Officers, in conducting a Hearing Review, are bound by the Statutory Powers and Procedures Act, as well as bound by general administrative common law principles (i.e., procedural fairness, natural justice, impartial and unbiased decision-making, legitimate expectation, etc.). It would be inappropriate for a Hearing Officer to review a Screening Decision for a personal or business acquaintance or Relative (as defined above). A conflict of interest includes an actual conflict and a potential conflict.

Every Screening Officer, Hearing Officer and Town employee involved in the administration of APS, must disclose to the Director of Legislative & Legal Services any obligation, commitment, relationship or interest that could conflict or may be perceived to conflict with his or her duties to or interests in the administration of the APS program. Additionally, a Screening Officer or Hearing Officer shall not represent any Person at a Screening Review or Hearing Review

Conduct of Hearing Officers

All Screening Officers and Hearing Officers shall conduct themselves in the following manner:

- Both be and appear to be independent, impartial, and unbiased.



- Avoid all conflicts of interest, whether real or perceived, and are responsible for promptly taking appropriate steps to disclose, resolve, or obtain advice with respect to such conflicts when they arise.
- Shall not be influenced by partisan interests, public opinion, or by fear of criticism.
- Shall not use their title and position to promote their own interests or the interests of others.
- Shall discharge their duties in accordance with the law, Town by-laws and APS policy, procedures and guidelines.
- Shall maintain their competence through their work, by participating in training and education courses and by seeking guidance from their colleagues with the Town, as required.
- Shall remain up to date on changes in the law Town by-laws, policy and procedures relevant to their function.
- Are subject to ongoing public scrutiny and therefore they must respect and comply with the law and conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the APS program.
- Shall approach their duties in a calm and courteous manner when dealing with the public and others and should present and conduct themselves in a manner consistent with the integrity of the APS system and their appointment.
- Shall convey in plain language their decisions and the reasons therefore where such are required.
- Must safeguard the confidentiality of information that comes to them by virtue of their work and should not disclose that information except as required by law.
- In discharging their duties, must treat those with whom they deal in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those Persons.
- With administration of natural justice paramount
- Shall refrain from openly and publicly criticizing the administration of the APS program or the conduct of others. Any criticisms, suggestions, or concerns related to the APS program should be communicated only Director of Legislative & Legal Services. Shall deal with the tasks that come before them in a timely manner and should make themselves accessible to those requiring their services.
- Must not knowingly exercise a power or function for which they have not been designated.

Preventing Conflict of Interest

The keys to preventing conflicts of interest are: identification, disclosure and withdrawal from the power of decision in regards to a Screening Review or Hearing Review.



The need for identification, disclosure and withdrawal from a power of decision applies to any real or perceived conflict of interest.

Disclosure

If a Screening Officer or Hearing Officer becomes aware of any real, perceived or potential conflict of interest in regard to a review of an administrative penalty or Screening Decision, as the case may be, the Hearing Officer shall notify the Town designate, of the conflict of interest and;

- In the case of a scheduled review of a Penalty Notice or a Screening Decision that has not yet commenced, can request another Screening Officer or Hearing Officer to conduct the review to avoid actual, potential or perceived conflicts of interest.
- In the case of a review of Penalty Notice or Screening Decision that has commenced, adjourn the review and withdraw from the power of decision and advise the Director of Legislative & Legal Services or designate. The Town will reschedule the Screening Review or Hearing Review with another Screening Officer or Hearing Officer to handle the matter that is subject to the conflict of interest

Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the administrative penalty for any by-law infraction in a timely manner.



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| POLICY: Extension of Time to Pay | NO. OF PAGES: 2 |
| SECTION: Administrative Penalty System for Parking and Non-Parking Offences | REVISED: |
| EFFECTIVE DATE: March 25, 2024 | |

Policy Statement

The Town of Milton has adopted an Administrative Penalty System (APS) for the dispute resolution and administration of parking and non-parking By-law offences within the Town of Milton.

The Town has authorized the appointment and use of Screening and Hearing Officers to adjudicate disputes related to Penalty Notices issued for non-compliance of municipal by-laws .

In accordance with Ontario regulation 333/07, the Town is required to develop a policy to address public complaints regarding the administration of the APS program. The same policies will apply to the APS Non-Parking program.

Purpose

To provide a standardized policy to define what constitutes financial hardship, and the options available in relation to the Screening and Hearing Officers, when assessing claims of financial hardship.

When non-compliance of a municipal by-law is identified a penalty notice is issued to a person. A Penalty Notice must be given or mailed to a Person as soon as is reasonably practicable and must include basic information that will inform the Person of the by-law contravention, the penalty amount, a Person’s right to request a review of the penalty and of the consequences in the event that the penalty is not reviewed.

Scope

A Person has a time-limited right to request a review of the administrative penalty by a Screening Officer.



Within 15 days of the date of the Penalty Notice the Person will have the option to:

- 1) make a voluntary payment; or
- 2) request a review of the administrative penalty by a Screening Officer.

Extension of Time for Payment

Screening Officer

The Screening Officer has a residual discretion to cancel, reduce or to extend the time for payment of an administrative penalty. This is intended to address obvious errors on the Penalty Notice

The Screening Officer will consider reasonable requests for an extension of time to pay on a case-by-case basis, but is not obligated to grant the extension.

Hearing Officer

- The Hearing Officer has the authority to: Cancel or confirm the administrative penalty;
- Extend the time for payment of an administrative penalty; and
- Consider reductions where a person has outlined that financial hardship exists; The Hearing Officer may request supporting documents, that financial hardship exists and is not limited in their request of information to deliberate each case. And shall not be less than the minimum fine amount outlined in the APS Designated Non-Parking By-law.

As with the Screening Officer, the Hearing Officer will consider reasonable requests for extension in the time to pay on a case-by-case basis, but is not obligated to grant the extension.

The decision of the Hearing Officer is final.



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| POLICY: Extension of Time to Review | NO. OF PAGES: 3 |
| SECTION: Administrative Penalty System for Parking and Non-Parking Offences | REVISED: |
| EFFECTIVE DATE: March 25, 2024 | |

Policy Statement

The Town of Milton has adopted an Administrative Penalty System (APS) for the administration and dispute resolution of non-parking By-law offences in the Town of Milton.

The Town has authorized the appointment and use of Screening and Hearing Officers to hear and decide the adjudicate disputes related to Penalty Notices issued for non-compliance of municipal by-laws.

In accordance with Ontario regulation 333/07, the Town is required to develop a policy to address public complaints regarding the administration of the APS program. The same policies will apply to the APS Non-Parking program.

In accordance with the Municipal Act, the Town must provide a process for a Person to request an extension of time to request a Screening Review or a Hearing Review.

Purpose

To provide a policy to respond to a Person’s request for an extension of time to request a review of a Penalty Notice by a Screening Officer or a Screening Decision by a Hearing Officer.

Scope

The Person has a time-limited right to request a review of the administrative penalty by a Screening Officer.

Within 15 days from the date of the Penalty Notice issuance, a Person will have the option to:

- 1) make a voluntary payment; or
- 2) request a review of the administrative penalty by a Screening Officer.



Screening Review

(a) Within 15 days of receipt of the Penalty Notice the Person will have the option to:

- (i) make a voluntary payment; or
- (ii) request a review of the Penalty Notice by a Screening Officer.

(b) A Person has 15 days to request a Screening Review with a Screening Officer to dispute their Penalty Notice. If the Person has not requested a Screening Review of their Penalty Notice before the 15th day after the Penalty Notice was issued, they may request an extension of time to request a Screening Review. The Person shall make this request no later than 60 days after the issued date on the Penalty Notice.

Granting a Request for an Extension of Time to Request a Screening Review

(a) The request may be granted if the Person requesting the extension demonstrates the existence of Mitigating or Extenuating Circumstances that prevented them from requesting a Screening Review within the original 15 day timeframe set out on the Penalty Notice.

(b) A Person may provide supporting written documentation and other information to the Director of Legal & Legislative Services or designate to justify the Mitigating or Extenuating Circumstances.

(c) The decision to grant the request for an Extension of Time to request a Screening Review will be at the sole discretion of the Director of Legal & Legislative Services or designate. The decision will be made in accordance with the Director of Legislative & Legal Services or designate to Granting a Request for an Extension of Time to request a Screening Review.

Mitigating or Extenuating Circumstances means situations that do not provide an excuse or justify the infraction, but proves the Person was not able to schedule a review of the Penalty Notice.

This Policy applies to Screening Reviews and Hearing Reviews conducted by a Screening Officer or Hearing Officer, in accordance with APS By-law X.



Hearing Review

(a) Following the receipt of a Screening Decision the person will have the option to:

- (i) pay the total amount due; or
- (ii) request a review of the Screening Decision by a Hearing Officer

(b) If a Person would like to request a Hearing Review of the Screening Decision, they must do so on or before the payment due date. If the person has not requested a Hearing Review of their Screening Decision on or before the payment due date, they may request an extension of time to request a Hearing Review. The Person may request an extension of time to request a Hearing Review no later than 30 days after the date of the Screening Review.

Granting a Request for an Extension of Time to Request a Hearing Review

(a) The request may be granted if the person requesting the extension demonstrates the existence of Mitigating or Extenuating Circumstances that prevented them from requesting a Hearing Review on or before the payment due date.

(b) A Person may provide supporting written documentation and other information to the Director of Legislative & Legal Services or designate to justify the Mitigating or Extenuating Circumstances.

(c) The decision to grant the request for an Extension of time to Request a Hearing Review will be at the sole discretion of the Director of Legislative & Legal Services or designate. The decision will be made in accordance with the Director of Legal & Legislative Services or designate Guide to Granting a Request for an Extension of Time to request a Hearing Review.



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| POLICY: Interference | NO. OF PAGES: 2 |
| SECTION: Administrative Penalty System for Parking Non-Parking Offences | REVISED: |
| EFFECTIVE DATE: March 25, 2024 | |

Policy Statement

The Town of Milton has adopted an Administrative Penalty System (APS) for the dispute resolution and administration of parking and non-parking By-law offences within the Town of Milton.

The Town has authorized the appointment and use of Screening and Hearing Officers to hear and decide the outcome of disputes related to Penalty Notices issued for regulatory by-law violations. The Town requires that employees conduct themselves responsibly and professionally in the performance of their duties.

In accordance with Ontario regulation 333/07, the Town is required to develop a policy to address public complaints regarding the administration of the APS program.

Purpose

To provide a standardized guideline to define what constitutes interference in relation to the Screening and Hearing Officers, to prevent such interference.

Principles of Preventing Political Interference

This policy applies to the Mayor, members of Council, all employees of the Town of Milton, volunteers, contractors and consultants to the Town.

The positions of Screening Officers and Hearing Officers are established for the purpose of exercising Delegated Powers of Decision.

“Delegated Power of Decision” means a power or right, conferred by a Town By-law, to prescribe the legal rights, powers, privileges, immunities, duties and/or liabilities of any person or party;



No person shall attempt, directly or indirectly, to communicate with or influence a Screening or Hearing Officer, or other employees or individuals performing duties related to the administration of APS program. No person shall attempt to influence a Delegated Power of Decision in a proceeding that is or will be pending before the Hearing Officer except a person who is entitled to be heard in the proceedings or the person's agent and only by that person or their agent during the hearing of the proceeding in which the issued arises.

All individuals involved with the enforcement and administrative functions of the APS program shall carry out such duties in a manner, which upholds the integrity of the administration of justice.

Implementation

All Members of Council shall be provided with a copy of this Policy;

This Policy shall form part of the orientation for all Members of Council at the start of a new term of Council, as well as all current and new municipal officials and staff, with the potential for interaction with the APS program; and

This Policy shall form part of the orientation for all current and new Screening Officers and Hearing Officers and APS program administration staff.

Accountability

Where any employee, Screening Officer, Hearing Officer or other person performing duties related to APS, is contacted by a Member of Council or Town official with respect to the administration of APS, he or she shall immediately disclose such contact to the Director of Legal & Legislative Services in order to maintain the integrity of APS; and

A Screening Officer or Hearing Officer shall disclose any actual, potential or perceived political interference as soon as possible to the Director of Legal & Legislative Services.

Cases involving members of Council will be referred to the Integrity Commissioner for their review and report.

This does not prevent a Screening Officer or Hearings Officer from seeking and receiving advice from an appropriate member of the Town's staff.

Proceedings before a Hearings Officer shall be subject to the *Statutory Powers Procedures Act*.



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| POLICY: Refund Policy | NO. OF PAGES: 2 |
| SECTION: Administrative Penalty System for Non-Parking Offences | REVISED: |
| EFFECTIVE DATE: Mar 25, 2024 | |

Policy Statement

The Town of Milton has adopted an Administrative Penalty System (APS) for the dispute resolution and administration of parking and non-parking by-law offences within the Town of Milton.

The Town has authorized the appointment and use of Screening Officers and a Hearing Officer to adjudicate disputes related to Penalty Notices issued for non-compliance of municipal by-laws.

In accordance with Ontario regulation 333/07, the Town is required to develop a policy to address public complaints regarding the administration of the APS program. The same policies will apply to the APS Non-Parking program.

Purpose

To provide a standardized guideline to define what constitutes reasonable incidents that would precipitate a refund of an administrative penalty.

Scope

The individual has an obligation to either pay the prescribed administrative penalty, or request a review of the penalty within 15 days of the date of the Penalty Notice. Circumstances may arise where a payment of an administrative penalty may need to be refunded to the person who made the payment.

The authority to authorize a refund will rest with the Director of Legislative Legal and Services or designate.

Situations that could constitute a valid reason for a refund would include but not limited to:

- Double payment: the penalty has been attempted to be paid twice. This could occur in situations where a person pays the penalty and for whatever reason the penalty is attempted to be paid again. Examples of this may include:
 - A person forgets that payment was made and attempts to pay again,
 - A technological issue where the payment confirmation is not received leading to the penalty attempting to being paid again.
- Over payment or payment error: the person pays more than the allotted penalty, requiring the excess to be refunded;
- Penalty Notice Error: the penalty notice was issued in error and the payment was made prior to the notice being cancelled. Examples of this include:
 - A fatal error on the face of the ticket including, wrong person charged, offence date; location; or listed offence.
 - A notice issued in error including situations where an offence was not committed.
 - A group of notices being cancelled due to unforeseen circumstances.

The APS program staff will complete Payment Request Form, including special instructions to notify Legislative and Legal Services once the cheque refund has been issued. The request will be forwarded to the Director of Legal and Legislative Services or designate for approval. Once the approver is satisfied that a refund is required, the request along with the supporting documentation will be forwarded to Accounts Payable Department for processing.

APS program staff will ensure that the payment reduction or refund is properly corrected in the software system.

Unless outlined in this policy, no refund shall be contrary to an amount stipulated in a decision from the Screening or Hearing Officers.