

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NUMBER 071-2021

A BY-LAW TO ESTABLISH AN ADMINISTRATIVE MONETARY PENALTIES SYSTEM RESPECTING THE PARKING, STANDING OR STOPPING OF VEHICLES

WHEREAS section 102.1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to require a person to pay an administrative penalty for a contravention of any by-law respecting the parking, standing or stopping of vehicles;

AND WHEREAS the Corporation of the Town of Milton will designate Town By-laws or portions thereof as listed in Schedule "A", which regulate the parking, standing or stopping of vehicles, to be applicable to the administrative monetary penalties system established through this By-law;

AND WHEREAS pursuant to a Memorandum of Understanding between the Regional Municipality of Halton and the Corporation of the Town of Milton, portions of any Regional Municipality of Halton By-law which regulates the parking, standing or stopping of vehicles may also be designated as applicable to the administrative penalties system;

AND WHEREAS the Town has developed the requisite standards and procedures relating to the administration of the system in accordance with Ontario Regulation 333/07;

AND WHEREAS the Corporation of the Town of Milton considers it desirable to establish a system of administrative penalties to assist in regulating the flow of traffic and use of land, including highways, by promoting compliance with its by-laws respecting the parking, standing or stopping of motor vehicles;

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 Schedule "B" 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;

"Appear for Screening or Hearing" means to appear in person or by other means including telephone or video link call at the time, place, or phone

number scheduled for review by a Screening or Hearing Officer, as designated at the sole discretion of the Town taking into account all circumstances at the 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 requesting certified records of the Ontario Ministry of Transportation for the purpose of administering this by-law

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

“Designated By-law” means a by-law with respect to the parking, standing or stopping of vehicles, 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 person from time to time performing the functions of the Department Head responsible for Parking Enforcement, or their designate;

“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;

“Late Payment Fee” means an Administrative Fee levied in respect of a person’s failure to pay an Administrative Penalty by the date on which it is due and payable;

“MTO Plate Denial Fee” means an Administrative Fee levied for notifying the Registrar of Motor Vehicles of the default in payment of an Administrative Penalty, for the purpose of plate permit denial;

“MTO Search Fee” means an Administrative Fee levied for searching the records of the Ontario Ministry of Transportation or other similar authority for the purpose of administering this by-law;

“Officer” means any person authorized by the Town of Milton to enforce by-laws and includes Municipal Law Enforcement Officers, provincial offences officers, Halton Regional Police Officers, and any other Police Officer as defined in the *Police Services Act, R.S.O. 1990, c. P.15*.

“Owner” means the registered owner of a vehicle as provided by the Ministry of Transportation (“MTO”) or other similar authority at the time of the offence;

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

“Penalty Notice Date” means the date specified on the Penalty Notice pursuant to s.4(3)(a);

“Penalty Notice Number” means the reference number specified on the Penalty Notice that is unique to that Penalty Notice pursuant to s.4(3)(b);

“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; and

“Town” means The Corporation of the Town of Milton.

2. INTERPRETATION

Where words and phrases used in this By-law are defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as may be amended or replaced, but not defined in this By-law, the definitions in the Highway Traffic Act shall apply to such words and phrases.

3. APPLICATION, AMENDMENTS, SCHEDULES AND SEVERABILITY

- (1) This By-law applies only to those contraventions of the provisions identified in those By-laws identified in Schedule “A” to this By-law.
- (2) For the purposes of Section 3(1)(b) of Ontario Regulation 333/07, the provisions of the By-laws identified in Schedule “A” to this By-law, are hereby designated.

4. CONTRAVENTION

- (1) The Provincial Offences Act does not apply to contravention of a Designated By-law.

5. PENALTY NOTICE

- (1) If a vehicle has been left parked, standing or stopped in contravention of a Designated By-law, the Owner of the vehicle shall, upon issuance of a Penalty Notice, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule "B", and shall be liable to pay to the Town any applicable Administrative Fees.
- (2) An Officer who has reason to believe that a person has left a vehicle parked, stopped or standing in contravention of a Designated By-law may issue a Penalty Notice as soon as reasonably practicable.
- (3) The Penalty Notice issued to the person shall include the following information:
 - (a) the date of the Penalty Notice;
 - (b) the Penalty Notice Number;
 - (c) the identity and signature of the Issuing Officer;
 - (d) particulars of the contravention;
 - (e) the amount of the Administrative Penalty;
 - (f) information respecting the process by which the person may pay the Administrative Penalty or request a review of the Administrative Penalty; and
 - (g) a statement advising that an Administrative Penalty will constitute a debt of the person to the Town.

6. SERVICE OF NOTICE OR DOCUMENTS

- (1) A Penalty Notice served in any of the following ways is deemed effective by:
 - (a) affixing it to the vehicle in a conspicuous place at the time of the contravention; or
 - (b) delivering it personally to the operator of the vehicle or the person having care and control of the vehicle at the time of the contravention; or
 - (c) mailing it to the Owner via regular mail as soon as reasonably practicable; or
 - (d) delivering it personally to the address of the Owner as soon as practicable; or
 - (e) delivering it as an attachment in an email sent to a known email address of the Owner.
- (2) Any notice or document sent in writing to the Owner is deemed effective on the seventh (7th) calendar day after the date of mailing.

7. FINANCIAL MANAGEMENT

- (1) An Administrative Penalty that is deemed to be affirmed is due and payable and constitutes a debt to the Town.
- (2) No Officer may accept payment in respect of the Administrative Penalty.
- (3) Payments of an Administrative Penalty must be received by the due date and will not be credited until received by the Town.
- (4) Where a person has paid an Administrative Penalty or an Administrative Fee that is cancelled or reduced by a Screening Officer or Hearing Officer, the Town shall refund the amount cancelled or reduced.
- (5) Any person who is served a Penalty Notice and who does not pay to the Town the amount of the Administrative Penalty within fifteen (15) days of the Penalty Notice Date shall pay to the Town an MTO Search Fee as identified in Schedule "C", and a notice will be mailed to the Owner of the vehicle.
- (6) Where an Administrative Penalty and any applicable Administrative Fees are not paid within 15 days after the date that it becomes due and payable, shall be deemed to be affirmed and each person to whom the Penalty Notice was issued shall pay to the Town a Late Payment Fee as identified in Schedule "C", and a notice will be mailed to the Owner of the vehicle.
- (7) Where a person makes a request for an extension of time for a review or a request for an extension of time for payment and the request is granted, the Penalty Notice will not be subject to the Late Payment Fee, until after the extension of time has expired.
- (8) Where an Administrative Penalty and any applicable Administrative Fees are not paid within 15 days after the date that it becomes due and payable, each person to whom the Penalty Notice was issued shall pay to the Town:
 - (a) an MTO Certified Document Fee as identified in Schedule "C"; and
 - (b) an MTO Plate Denial Fee as identified in Schedule "C". A notification will be sent to the Registrar of Motor Vehicles to collect the outstanding penalty and fees prior to vehicle license registration.

8. REVIEW BY A SCREENING OFFICER

- (1) A person who receives a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer within 15 days after the Penalty Notice Date.
- (2) A person may request that the Screening Officer extend the time to request a review within 15 days after the Penalty Notice Date, failing which, the Administrative Penalty shall be deemed to be affirmed.
- (3) The Screening Officer may extend the time to request a review of the Administrative Penalty when the person requesting the extension demonstrates extenuating circumstances for failing to take action that warrant the extension of time and if so granted, the enforcement mechanisms available to the Town shall be suspended until the extension of time has expired.
- (4) Where an extension of time is not granted by the Screening Officer, the Administrative Penalty is deemed to be affirmed.
- (5) A request for a review or a request of an extension of time to review shall include the Penalty Notice Number and the person's contact information. The Screening Officer will consider the request for extension before reviewing the Administrative Penalty.
- (6) On a review of the Administrative Penalty, the Screening Officer may affirm the Administrative Penalty, or the Screening Officer may cancel, reduce or extend the time for payment of the Administrative Penalty, including any late payment Administrative Fees, on the following grounds:
 - (a) where the person establishes, on a balance of probabilities that the vehicle was not parked, standing or stopped as described in the Penalty Notice; or
 - (b) the cancellation, reduction or extension of the time for payment of the Administrative Penalty, including any Administrative Fees, is necessary to reduce hardship.
- (7) Where a person fails to request a review or extension of time before the Screening Officer in accordance with this By-law:
 - (a) the Person shall be deemed to have waived the right to a screening and a hearing;
 - (b) the Administrative Penalty shall be deemed to be affirmed; and
 - (c) the Administrative Penalty shall not be subject to review.

- (8) Every person who has a review by the Screening Officer shall receive a Screening Decision.
- (9) Where the person fails to Appear for Screening at the time and place scheduled for a review by the Screening Officer:
 - (a) the person shall be deemed to have abandoned the review;
 - (b) the Administrative Penalty shall be deemed to be affirmed;
 - (c) the Administrative Penalty shall not be subject to review; and
 - (d) the person shall pay to the Town the prescribed Screening Fail to Appear Fee as identified in Schedule "C".

9. APPEAL TO HEARING OFFICER

- (1) Any person who has received a Screening Decision may request a review of the Screening Decision by a Hearing Officer within 15 days after the Screening Decision was issued.
- (2) A person may request that the Hearing Officer extend the time to request a review within 15 days after the Screening Decision was issued, failing which, the Screening Decision shall be deemed to be affirmed.
- (3) The Hearing Officer may extend the time to request a review of the Screening Decision when the person requesting the extension demonstrates extenuating circumstances for failing to take action that warrant the extension of time and if so granted, the enforcement mechanisms available to the Town shall be suspended until the extension of time has expired.
- (4) Where an extension of time is not granted by the Hearing Officer, the Administrative Penalty is deemed to be affirmed.
- (5) A request for a review or a request for an extension of time to review by the Hearing Officer shall include the Penalty Notice Number and the person's contact information. The Hearing Officer will consider the request for extension before reviewing the decision of the Screening Officer.
- (6) The person shall be given notice of the date, time and place for the review by Hearing Officer.
- (7) On a review of the Screening Decision, the Hearing Officer may affirm the Screening Decision, or the Hearing Officer may cancel, reduce or extend the time for payment of the Administrative Penalty, including any late payment Administrative Fees, only on the following grounds:

- (a) where the person establishes, on a balance of probabilities that the vehicle was not parked, standing or stopped as described in the Penalty Notice; or
 - (b) the cancellation, reduction or extension of the time for payment of the Administrative Penalty, including any late payment Administrative Fees, is necessary to reduce hardship.
- (8) Where a person fails to request a review of the Screening Decision or extension of time before the Hearing Officer in accordance with this By-law:
- (a) the Person shall be deemed to have waived the right to a hearing;
 - (b) the Screening Decision and the Administrative Penalty shall be deemed to be affirmed; and
 - (c) the Screening Decision and the Administrative Penalty shall not be subject to further review.
- (9) Where the person fails to appear at the time and place scheduled for a review by the Hearings Officer:
- (a) the person shall be deemed to have abandoned the hearing;
 - (b) the Screening Decision and the Administrative Penalty shall be deemed to be affirmed; and
 - (c) the person shall pay to the Town a Hearing Fail to Appear Fee as identified in Schedule "C".
- (10) A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the person, and the Town, an opportunity to be heard.
- (11) The decision of a Hearing Officer is final.
- (12) 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.

10. GENERAL

- (1) The Director may:
- (a) appoint Screening Officers and Hearing Officers for reviewing contraventions in accordance this By-law as the Director considers appropriate;
 - (b) designate areas within the Town for conducting reviews and hearings under this By-law;

- (c) make forms, notices, applications and documents not otherwise prescribed by this By-law to satisfy the requirements of, or to provide other information required under this By-law, the Municipal Act, 2001 or the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22; and
- (d) make regulations and impose conditions for the orderly operation of the administrative penalty system established by this By-law.

11. SHORT TITLE

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

12. BY-LAW IN FORCE

- (1) If a court of competent jurisdiction should declare any section or a part of this By-law to be invalid, the remainder of this By-law shall continue in force, unless the court makes an order to the contrary.
- (2) This By-law shall come into full force and effect on February 1, 2022.

PASSED IN OPEN COUNCIL ON AUGUST 23, 2021.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid

Schedule "A" To By-Law No. 071-2021

Designated By-laws

By-law 1984-1, as amended
By-law 12-81, as amended
By-law 48-82, as amended
By-law 140-2002, as amended
By-law 105-2019, as amended

Schedule "B" To By-Law No. 071-2021

Administrative Penalties

Parking By-law - By-Law 1984-1, as amended		
Contravention	Section	Set Monetary Penalty
Park facing wrong way on street	Part III, Section 5(1)a	\$50.00
Park with right wheel more than 0.15m from curb	Part III, Section 5(1)a	\$40.00
Stop facing wrong way on street	Part III, Section 5(1)a	\$50.00
Stop with right wheel more than 0.15m from curb	Part III, Section 5(1)a	\$40.00
Park wrong way-one way street	Part III, Section 5(1)b	\$50.00
Park more than 0.15m from curb-one-way street	Part III, Section 5(1)b	\$40.00
Park at wrong angle	Part III, Section 5(1)c	\$40.00
Double parked on roadway	Part III, Section 5(1)d	\$40.00
Park outside designated parking space markings	Part III, Section 5(1)e	\$40.00
Park on sidewalk	Part III, Section 5(2)(a)(i)	\$40.00
Park on boulevard	Part III, Section 5(2)(a)(ii)	\$50.00
Park on median strip	Part III, Section 5(2)(a)(iii)	\$50.00
Park on island	Part III, Section 5(2)(a)(iv)	\$50.00
Park within 1m of driveway	Part III, Section 5(2)(a)(v)	\$40.00
Park within 3m of public lane	Part III, Section 5(2)(a)(vi)	\$40.00
Park within 3m of fire hydrant	Part III, Section 5(2)(a)(vii)	\$100.00
Park obstructing emergency entrance	Part III, Section 5(2)(a)(ix)	\$50.00
Park obstructing traffic	Part III, Section 5(2)(a)(x)	\$50.00
Park obstructing road repair	Part III, Section 5(2)(a)(x)	\$50.00
Park obstructing snow removal	Part III, Section 5(2)(a)(x)	\$50.00
Park vehicle for sale on highway	Part III, Section 5(2)(a)(xi)	\$40.00
Park-posted no parking area	Part III, Section 5(3)(a)(i)	\$40.00

Parking By-law - By-Law 1984-1, as amended		
Contravention	Section	Set Monetary Penalty
Park - Posted no parking area- in front of entrance to office building	Part III, Section 5(3)(a)(ii)	\$40.00
Park-posted no parking area- as described in Schedule 3	Part III, Section 5(4)(b)	\$40.00
Park-posted no parking area - cul-de-sac	Part III, Section 5(3)(a)(iv)	\$40.00
Park- Posted no parking area - 15 m of dead end highway	Part III, Section 5(3)(a)(v)	\$40.00
Park - posted no parking - on a public lane	Part III, Section 5(3)(a)(vi)	\$40.00
Park posted no parking area- 30 m of pedestrian crossover	Part III, Section 5(3)(a)(vii)	\$40.00
Park- posted no parking area within 50 m of an intersection	Part III, Section 5(3)(a)(viii)	\$40.00
Park - posted no parking area- along side curb with yellow paint	Part III, Section 5(3)(a)(ix)	\$40.00
Park in emergency prohibited area	Part III Section 5 (5)(a)	\$250.00
Park Longer than 24 hours	Part III, Section 5(4)(a)	\$40.00
Park Longer than 15 hours	Part III, Section 5(4)(a)	\$30.00
Park Longer than 5 hours	Part III, Section 5(4)(a)	\$40.00
Park Longer than 15 minutes	Part III, Section 5(4)(a)	\$40.00
Park Longer than 30 minutes	Part III, Section 5(4)(a)	\$40.00
Park Longer than 1 hour	Part III, Section 5(4)(a)	\$40.00
Park Longer than 3 hours	Part III, Section 5(4)(a)	\$40.00
Park in prohibited area	Part III, Section 5(4)(b)	\$40.00
Stop within 6m of crosswalk	Part III, Section 5(8)(i)	\$50.00
Stop within 25m of signalized intersection	Part III, Section 5(8)(ii)	\$50.00
Stop within 3m of fire hydrant	Part III, Section 5(8)(iii)	\$100.00

Parking By-law - By-Law 1984-1, as amended		
Contravention	Section	Set Monetary Penalty
Stop obstructing pedestrian passageway	Part III, Section 5(8)(iv)	\$50.00
Stop adjacent to median strip	Part III, Section 5(8)(v)	\$50.00
Stop adjacent to island	Part III, Section 5(8)(v)	\$50.00
Stop on divided highway	Part III, Section 5(8)(vi)	\$50.00
Stop within 15m of bus stop	Part III, Section 5(8)(vii)	\$50.00
Stop within 100m of bridge	Part III, Section 5(8)(viii)	\$50.00
Stop in school bus loading zone	Part III, Section 5(8)(ix)	\$50.00
Stop within 3m of railway crossing	Part III, Section 5(8)(x)	\$50.00
Stop-Posted no-stopping area	Part III, Section 5(9)(a)	\$50.00
Stop in prohibited area	Part III, Section 5(10)	\$75.00
Stop in loading zone	Part III, Section 5(11)	\$50.00
Stop in taxi stand	Part III, Section 5(12)	\$50.00
Park between 2:00 AM and 6:00 AM	Part III, Section 5(13)	\$40.00
Park Heavy traffic - not in truck route	Part VI, Section 14(1)	\$100.00
Drive motor vehicle or bicycle along sidewalk or boulevard except at a driveway	Part II Section 4(1)(b)(i)	\$75.00
Allow vehicle to stand unattended in such a manner that it is operational	Part II Section 4(1)(c)	\$75.00

Parking on Private Property Without Authorization - By-Law 12-81, as amended		
Contravention	Section	Set Monetary Penalty
Park on Municipal Property Without Authorization	Section 2	\$40.00
Park on Private Property Without Authorization	Section 2	\$40.00

Park in Designated Fire Route - By-Law 48-82, as amended		
Contravention	Section	Set Monetary Penalty
Park in Designated Fire Route	Section 4	\$120.00

Accessible Parking - By-Law 140-2002, as amended		
Contravention	Section	Set Monetary Penalty
Park in Designated Disabled Parking Space – No Permit	Section 4	\$400.00

Unauthorized Parking on Residential Landscaping - By-Law 105-2019, as amended		
Contravention	Section	Set Monetary Penalty
Stop Vehicle on Residential Landscaping	Section 3.1	\$100

Schedule "C" To By-Law No. 071-2021

Administrative Fees

Description	Fee
Certified Registered Owner Document	\$20.00
Late Payment	\$30.00
MTO Search Fee	\$10.00
MTO Plate Denial	\$26.00
Screening Fail to Appear	\$50.00
Hearing Fail to Appear	\$100.00

Note:

The fees and charges as listed in this Schedule "C" to this By-law will be subject to Harmonized Sales Tax (HST) where applicable.