



BY-LAW 2025-54

A BY-LAW TO AMEND BY-LAW 2012-27, BEING A BY-LAW TO REGULATE CROSS CONNECTIONS AND BACKFLOW PREVENTION IN A PRIVATE PLUMBING SYSTEM TO INCLUDE AMPS PENALTY PROVISIONS

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act*”) provides that a municipality may pass by-laws respecting health, safety and well-being of persons and protection of persons and property, including consumer protection; and

WHEREAS Section 391(1) of the *Municipal Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and

WHEREAS Section 434.1 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*; and

WHEREAS Section 434.2(1) 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.

NOW THEREFORE the Council of The Corporation of the City of Markham enacts as follows:

That the By-law 2012-27 be amended as follows:

1. That Section **1. Definitions** be amended to include:

- **Administrative Monetary Penalty** means an administrative penalty established by the City By-law No. 2024-137, as amended
- **AMPS By-law** means By-law No. 2024-137, a By-law to establish an Administrative Monetary Penalty System (AMPS) for Contraventions of Designated By-laws in the City of Markham, as amended;

2. That **Section 14. Penalty Provisions** be amended to add the following:

- **14.3** Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this By-law, an

Order, a Work Order, or any other Order issued pursuant this By-law, an Officer may issue an administrative penalty to the person who has contravened this By-law;

1. The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*. If an administrative penalty is issued to a person for the breach, no charge shall be laid against that same person for the same breach;
2. The amount of the administrative penalty for a breach of a provision of this By-law, a Work Order or Order issued under this By-law is fixed as set out in AMPS By-Law No. 2024-137;
3. A person who is issued an administrative penalty shall be subject to the procedures as provided for in AMPS By-Law No: 2024-137;
4. An administrative penalty imposed on a person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Read a first, second, and third time and passed on July 8th, 2025

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor