



BY-LAW 2025-59

A By-law to amend By-Law No. 2024-137, being a by-law to establish an Administrative Monetary Penalty System (AMPS) for contraventions of Designated By-laws in the City of Markham

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 150 of the *Municipal Act* defines a business as any business, activity or undertaking wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality; and

WHEREAS Section 151(1) of the *Municipal Act* provides that a municipality may provide for a system of licenses with respect to a business, as defined in section 150 of the *Municipal Act*, and may prohibit the carrying on or engaging in the business without a license, refuse to grant a license or revoke or suspend a license, impose conditions as a requirement of obtaining, holding, or renewing a license, and license, regulate or govern real and personal property used for a business and the persons carrying it on or engaged in it; 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 AMPS By-law 2024-137 be amended as follows:

- (1) That Schedule "B" Designated By-laws, **Appendix C14 – Road Occupancy By-law 2018-109** be updated to reflect additional items and fine amounts:

APPENDIX C14**ROAD OCCUPANCY BYLAW-2018-109**

ITEM	SECTION	CONTRAVENTION SHORT FORM WORDING	AMP TIER 1	AMP TIER 2	AMP TIER 3
1	3.2	Undertake construction on land abutting a highway without a permit	\$600.00	\$900.00	\$1,200.00
2	3.4.1	Alter, obstruct, damage highway by depositing material	\$375.00	\$562.50	\$750.00
3	3.4.2	Alter, obstruct, damage highway by depositing snow/ice	\$375.00	\$562.50.00	\$750.00
4	4.1.1	Create vehicle or trailer access to property across the boulevard without a permit	\$500.00	\$750.00	\$1,000.00
5	4.1.3	Modify or cut a curb without a permit	\$500.00	\$750.00	\$1,000.00
6	4.1.3	Modify a ditch or culvert without a permit	\$500.00	\$750.00	\$1,000.00
7	4.1.3	Construct or widen a driveway apron crossing the boulevard greater than the allowable width of the curb or culvert without a permit	\$500.00	\$750.00	\$1,000.00
8	4.1.6	Encroachment on, over, along, across, under or in a boulevard or highway	\$750.00	\$1,125.00	\$1,500.00
9	7.1	Place, affix, maintain or operate device(s), banner or other facilities within a highway without a permit	\$500.00	\$750.00	\$1,000.00
10	12.1	Fail to comply with any provision of the Road Occupancy By-law	\$750.00	\$1,125.00	\$1,500.00
11	12.1	Fail to comply with a condition of a permit issued pursuant to the Road Occupancy By-law	\$500.00	\$750.00	\$1,000.00
12	13.2	Hinder or obstruct any person who is exercising their power under the Road Occupancy By-Law	\$750.00	\$1,000.00	\$1,500.00
13	14.2.2	Owner, fail to repair or clean up all contraventions identified on the Notice of Obstruction	\$500.00	\$750.00	\$1,000.00

14	14.2.2	Contractor, fail to repair or clean up all contraventions identified on the Notice of Obstruction	\$500.00	\$750.00	\$1,000.00
15	14.2.2	Permit Holder, fail to repair or clean up all contraventions identified on the Notice of Obstruction	\$500.00	\$750.00	\$1,000.00

READ A FIRST, SECOND, AND THIRD TIME AND PASSED ON THIS 7TH DAY OF AUGUST, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor