



By-law 2019-126

A By-law to amend By-Law 2015-93 being a By-law to implement an Administrative Monetary Penalty System in Markham

WHEREAS the Council of the Corporation of the City of Markham considers it desirable to amend By-law 2015-93 being a By-law to implement an Administrative Monetary Penalty System, and,

WHEREAS section 102.1 of the *Municipal Act 2001, S.O. 2001, c.25*, as amended and Ontario Regulation 333/07 authorize The Corporation of the City of Markham to require a person to pay an administrative penalty for the contravention of any by-law respecting parking, standing or stopping of vehicles, and,

WHEREAS additions, deletions and changes to By-law 2015-93 are required from time to time to reflect current administrative and enforcement practices.

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

That By-law 2015-93 be amended as follows:

1. By amending Section 1 (“Definitions”)

- a) by adding the Definition of “Vehicle” – includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, and any vehicle drawn, propelled or driven by any kind of power including muscular power but does not include a motorized snow vehicle, the cars of electric or steam railways running only upon rails.

2. By amending Section 4, (“Review by A Screening Officer”) as follows:

- a) by adding Section 4.8(e) with the following words “It is the responsibility of the requestor to follow up on their request for a screening review by a screening officer within 3 business days of their submitted request. Failure to do so could result....)”.
b) by amending Section 4.8 (c) by adding the following words after “MTO fee” “for each penalty notice scheduled”.
c) by amending Section 4.9 by renumbering that Section as 4.10.
d) by replacing Section 4.9 with the following wording:

“A request for an extension of time for payment of the penalty must be made in writing to the Clerk. On a request for an extension of time to pay the penalty, the existence of extenuating circumstances must be substantiated by documents i.e., medical note, death certificate and or financial records”.

- e) by adding Section 4.13 with the words “Disorderly or abusive behaviour towards a Screening Officer or any City staff during the hearing process or refusal to effectively participate in the proceeding will result in full

affirmation of a Penalty and furthermore is considered an abandonment of the dispute.”

3. By amending Section 5, (“Review by a Hearing Officer”) as follows:

- a) by amending Section 5.5 (d) by adding the words after MTO fee “ for each penalty scheduled,
- b) by adding Section 5.12 the following words “Disorderly or abusive behaviour towards a Hearing Officer or any City staff during the hearing process or refusal to effectively participate in the proceeding will result in full affirmation of a Penalty and furthermore is considered an abandonment of the dispute.”

4. By amending Section 7, “(Administration)”, as follows:

- a) by deleting the words in Section 7.10 and replacing it with the words “Once a penalty has been paid, the matter is considered closed and the penalty is no longer eligible for dispute”.
- b) by deleting the words in Section 7.11 and replacing them with_“Once a penalty has been registered in default with the MTO, the penalty is no longer eligible for dispute”.
- c) that Section 7.12 be added with the following words: “Any schedule attached to this By-law forms part of this By-law”.

Read a first, second, and third time and passed November 26, 2019.



Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor