WHEREAS the Council of The Corporation of the City of Markham considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for certain City by-laws, or portions of City by-laws in order to promote compliance with its by-laws; and

WHEREAS additions, deletions and changes to the said By-law are required to reflect current administrative and enforcement practices, and

WHEREAS an amendment is required to provide for virtual hearings through electronic technology devices in accordance with the Statutory Powers and Procedures Act and,

WHEREAS sections 23.2, 23.3 and 23.5 of the Municipal Act authorize the City to delegate its administrative and hearing powers.

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

That By-law 2016-84 (the “Amps Non-Parking By-law”) be amended as follows:

1. That Section 1.0 of the Amps Non-Parking By-law (Definitions) be amended by deleting the definition of “Review by Hearing Officer” and “Hearing” and replacing it with the following definition; “Review by Hearing Officer” and “Hearing” means a proceeding held in person, by conference telephone, or by some other City-approved form of communication using Electronic Technology Devices allowing persons to communicate with one another and in accordance with the process set out in Section 5 of this By-law.

2. That Section 1.0 of the Amps Non-Parking Bylaw (Definitions) be amended by deleting the definition of “Review by Screening Officer” and “Screening Review” and replacing it with the following definition; “Review by Screening Officer” and “Screening Review” means a proceeding held in person or by conference telephone or some other City-approved form of Electronic Technology Devices allowing persons to communicate with one another and in accordance the process set out in Section 4 of this By-law.

3. That Section 1.0 of the Amps Non-Parking By-law (Definitions) be amended by adding the following definition; “Electronic Technology Devices” include all computers, personal electronic and digital devices, and mobile, cellular and smart phones.

4. That section 1.0 of the Amps Non-Parking By-law (Definitions) be amended as follows; by amending the definition of “Hearing Officer” by deleting the words “pursuant to the City’s Screening and Hearing Officer By-law” and replacing it with the following words: “pursuant to the City’s Hearing Officer Corporate Policy”

5. That section 1.0 of the Amps Bylaw Non-Parking (Definitions) be amended as follows; By amending the definition of “Screening Officer” by deleting the words “pursuant to the City’s Screening and Hearing Officer By-law” and replacing it with the following words: “pursuant to the City’s Screening Officer Corporate Policy”.
6. That Section 4.0 be amended by deleting “and in accordance with the process set out in section 4.3”

7. That Section 4.10 be amended by deleting “conduct an interview” after “Screening Officer” and replacing the wording with “conduct a review”.

8. That Section 5.1 be amended by deleting “in person and appointment only”

9. That section 5.1 be amended by deleting “is exercised by attending in person by appointment only” and replacing the wording with “shall be exercised at the time of the Screening Review”.

10. Add the following sections to Amps Non-Parking By-law 2016-84 as follows:

   “7.11 Where a Person fails to appear for a Screening Review or Hearing, the Clerk may, in its sole and unfettered discretion, grant a new Screening Review or Hearing where the Person demonstrates the existence of extenuating circumstances, sufficient evidence of which must be provided to the Clerk at the time of the request, that warrant the extension of time.

   “7.12 After a Hearing Decision, the Hearing Officer may cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds: where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue hardship

   “7.13 Once a Penalty Notice has been registered in default with the Ministry of Transportation there is no further option for dispute.”

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS _____ DAY OF ____________, 2020

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KIMBERLEY KITTERINGHAM       FRANK SCARPITTI
TOWN CLERK                   MAYOR