



BY-LAW 2024-51

To amend the Noise By-law (2017-74), Property Standards By-law (2017-26), Idling Control By-law (2005-192), Signs By-law (2002-94) and Parks By-law (167-92) being regulatory By-laws within the City of Markham

WHEREAS Section 8 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (*"Municipal Act"*) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS administrative amendments are required from time to time for enforcement purposes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- (1) That the following clauses be added in the preamble of the Noise, Property Standards, Idling Control, Signs and Parks By-laws and shall be read as follows:

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; and

- (2) That Sections of the Noise, Property Standards, Idling Control, Signs and Parks By-laws be Amended as follows:

- (a) By adding to the definition of "Administrative Penalty":

"Administrative Penalty" means an administrative penalty established by the City's Administrative Monetary Penalty System By-law.

- (b) By adding Section XXX ADMINISTRATIVE PENALTIES:
Section XXX ADMINISTRATIVE PENALTIES

Instead of laying a charge under the *Provincial Offences Act* for a breach of any provision of this By-law, an Order, a Work Order, or any other order issued pursuant to this By-law, a **Municipal Law Enforcement Officer** may issue an **Administrative Penalty** to the Person who has contravened this By-law.

The **Municipal Law Enforcement 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.

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 the *Administrative Monetary Penalty System By-law*, as amended, or any successor by-law.

An **Administrative Penalty** imposed on a **Person** pursuant to this By-law that is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the **Person** to the **City** and may be added to a Tax Roll and collected in the same manner as municipal taxes.

A **Person** who is issued an **Administrative Penalty** shall be subject to the procedures as provided for in the *City's Administrative Monetary Penalty System By-law*.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
20th DAY OF MARCH, 2024.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR