



By-law 2018-84

To amend By-laws 2012-92 (Mobile Business Licensing By-law), 2012-158 (Stationary Business Licensing By-law), 2012-242, (Water Meter By-law), 85-97 (Prescribe Times for Setting Fires By-law) and 2001-236 (Key Box By-law)

WHEREAS subsection 434.1(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "*Municipal Act*") authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and,

WHEREAS the Council of The Corporation of the City of Markham (the "City") 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; 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. By adding the following clauses to the preamble of By-laws 2012-92 (Mobile Business Licensing By-law), 2012-158 (Stationary Business Licensing By-law), 2012-242, (Water Meter By-law), 85-97 (Prescribe Times for Setting Fires By-law) and 2001-236 (Key Box By-law):

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.

2. By inserting the following provisions following the offence and/or penalty provisions, as appropriate, in By-laws 2012-92 (Mobile Business Licensing By-law), 2012-158 (Stationary Business Licensing By-law), 2012-242, (Water Meter By-law), 85-97 (Prescribe Times for Setting Fires By-law) and 2001-236 (Key Box By-law):

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 this By-law, an Officer may issue an administrative penalty to the Person who has contravened this By-law.
- 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.

- 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 By-Law No. 2016-84, being a By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended, or any successor by-law.
- A Person who is issued an administrative penalty shall be subject to the procedures as provided for in By-Law 2016-84, being a By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended, or any successor by-law.

Read a first, second, and third time and passed on June 26, 2018.



Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor