



By-law 2018-85

**To amend Bylaw 2016-84 being a By-law to implement an Administrative Monetary Penalty System for Non-Parking Offences.
(Amendments to AMPS For Non Parking Offences By-law)**

WHEREAS the Council of The Corporation of the City of Markham, (the “City”) considers it desirable to amend By-law 2016-84, a By-law to implement an Administrative Monetary Penalty System for Non-Parking Offences; and,

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*;

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

- (1) That the preamble be deleted in its entirety and replaced with the following clauses:

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 section 391 of the *Municipal Act* provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it; and,

WHEREAS subsection 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 subsection 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,

WHEREAS subsection 434.2(2) of the *Municipal Act* provides that if an administrative penalty imposed under section 434.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, shall, add the administrative penalty to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes.

- (2) That Section 1.0 “Definitions” be amended as follows:

- (a) By deleting “**Request for Review by Screening Officer**” in its entirety.

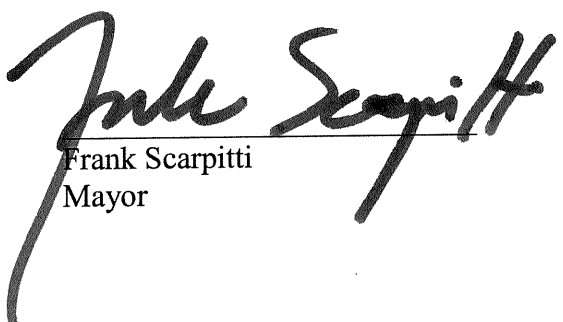
- (3) By adding the following By-laws to Schedule “A”:
 - (a) By-law 2012-142, as amended (**Water Meter By-law**).
 - (b) By-law 85-97, as amended (**A By-law to Prescribe Times for Setting Fire**).
 - (c) By-law 2001-236, as amended (**A By-law to require the installation of Rapid Key Boxes**).
 - (d) By-law 2018-55, as amended (**Public Nuisance By-law**).
- (4) That Section 3 “Penalty Notice” be amended as follows:
 - (a) Adding the words to subsection 3.2(a) “**and or name and address of the defendant** after the words “**vehicle identification number**”.
- (5) That Section 4 “Review by Screening Officer” be amended as follows:
 - (a) By deleting the words in Section 4.1 “**to a date that is no later than forty-five (45) days after the Penalty Notice Date**” and replace it with “**provided that the request is received no later than 45 days after the Penalty Notice Date.**”
 - (b) By deleting the words in section 4.2 “**at which time:**” and add a **period** after the words “**Penalty Notice Date**”.
 - (c) Delete **section 4.2 (a)** in its entirety.
 - (d) Delete **section 4.2 (b)** in its entirety.
 - (e) Delete **section 4.2 (c)** in its entirety.
- (6) That Section 4.3 be amended as follows:
 - (a) Deleting **sections 4.3, 4.3 (a), 4.3 (b) and 4.3(c)** in their entirety and replace it with the following Section 4.3:

“A request for an extension of time to request a Screening Review must be made in writing to the Clerk”.
- (4) That Section 4.4 be amended as follows:
 - (a) By deleting the words “**A Request for Review By Screening Officer of an Administrative Penalty or**” so the section will read “A request for an extension of time to request a **Screening Review** shall include the **Penalty Notice Number** and **Person’s** contact information”.
- (7) That Section 4.5 be amended as follows:
 - (a) By deleting the words, “**A Request for Review by Screening Officer or**” so the section will read “A request for an extension of time to request a **Screen Review** shall only be scheduled by the **Clerk** if the **Person** makes the request on or before the dates established by Section 4.0 or 4.1 of this By-law.

- (8) That section 4.6 be amended to add the following wording:
- (a) By adding the words to section 4.6 **“Extenuating circumstances must be substantiated by documents i.e. medical note, death certificate, and financial records.”** to after the word “time”.
- (9) That section 4.9 be amended by adding the following section:
- (a) By adding section 4.9 (b) (iii) **“Where a Person does not make a payment by the due date as determined by the Screening Officer, the Administrative Penalty will return to the original Administrative Penalty plus applicable Administrative Fee(s)”.**
- (10) That section 5.1 be amended to add the following wording:
- (a) By adding the words **“in person and by appointment only”** after the words “the Person may make a Request for Review by Hearing Officer” and before the words “before the due and payable date”
- (11) That section 5.3 be be deleted in its entirety and replaced with the following section 5.3
- “A person’s request for Review by Hearing Officer is exercised by attending in person by appointment only”
- (12) That Section 7 “Administration” be amended as follows:
- (a) By amending subsection 7.2 (a) by deleting “Pursuant to subsections 398(1) and (2) of the Municipal Act” and commencing the subsection as “Where an Administrative Penalty...”
- (b) By adding subsection 7.9 **“Once a Penalty Notice has been paid there is no further option for dispute.**
- (c) By adding subsection 7.10 **“An Administrative Penalty imposed on a Person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the City.**

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


Kimberley Kitteringham
City Clerk


Frank Scarpitti
Mayor

Water Meter By-law 2012-142

Designated Provisions for Water Meter By-law 2012-142			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
1	5.2.5(e)	Fail to comply with an Order to schedule and replace the water meter with the City or authorized third party	\$250.00
2	6.0.0	Operate or take Water from any city hydrant without a hydrant permit issued by the City	\$250.00

**BY-LAW 85-97 A BY-LAW TO
PRESCRIBE TIMES FOR SETTING FIRES**

Designated Provisions for By-law 85-97 A By-law to Prescribe Times for Setting Fires			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
1	2(a)	Set a fire or allow fire to burn without obtaining a permit from the Chief Fire Official	\$500.00
2	3(a)	Set or maintain a fire in contravention of the Fire Code	\$500.00
3	3(b)	Set or maintain a fire on any public road, park or other public property	\$500.00
4	3(c)	Set or maintain a fire in the front or side yard of any commercial or industrial development zoned property within the City	\$500.00
5	3(d)	Set or maintain a fire at a distance of less than 15m any building, hedge, fence vehicular roadway of any kind or overhead wiring	\$500.00
6	3(e)	Set or maintain a fire a at a distance of less than 15m from any property line	\$500.00
7	3(f)	Set or maintain a fire unless there is a space clear and free from combustible material around the perimeter of such fire of at least 9m	\$500.00
8	3(g)	Set or maintain a fire where the consumption of material will exceed the limit of material set by the Chief Fire Official	\$500.00
9.	3(i)	Set or maintain a fire unless the equipment and resources designated on the permit are available at the fire site at all times during the fire	\$500.00
10.	3(m)	Set or maintain a fire at any outdoor fireplace or any other burning appliance unless approved by the Chief Fire Official	\$500.00
11.	5(a)	Maintain a fire when the wind is in such a direction or intensity to cause the possible spread of fire to neighbouring buildings or properties.	\$500.00

Rapid Entry Key Box By-law 2001-236

Designated Provisions for Rapid Entry Key Box By-law 2001-236			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
1	2	Fail to comply with any provision of the By-law	\$500.00
2	3	Fail to provide a Rapid Entry Key box where the alarm system or automatic sprinkler control valve is secured behind locked doors	\$500.00
3	4	Fail to have every Rapid Entry Key Box contain sufficient keys to unlock all the door within the secured area	\$500.00

BY-LAW 2018-55, a By-law to Prohibit and Regulate Public Nuisances

Designated Provisions for By-law 2018-55 (Public Nuisance By-law)			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
1.	2.1	Allow sponsor, cause or permit a Public Nuisance	\$ 300.00
2.	2.2	Owner, allow, cause or permit a Public Nuisance	\$ 500.00
3.	3.4	Fail to leave the property after having been directed to leave the Property	\$ 300.00
4.	8.1	Fail to comply with an Order or work Order	\$ 500.00
5.	8.2	Hinder or obstruct or attempt to hinder or obstruct an Officer	\$ 500.00