



By-law 2018-64

**To amend By-law 2015-93 being a By-law to implement an Administrative Monetary Penalty System in Markham for parking offences
(Amendments to AMPS By-law)**

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

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

WHEREAS additions, deletions and changes to the said By-law are required to reflect current by-law administrative practices, 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 Section 1.0 "Definitions" be amended as follows:
 - (a) Delete "**Request for Review by Screening Officer**" in its entirety.
- (2) That Section 4 "Review by Screening Officer" be amended as follows:
 - (a) Delete 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) Delete 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.
- (3) That Section 4.3 be amended as follows:
 - (a) Delete **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) Delete 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”.
- (5) That Section 4.5 be amended as follows:
- (a) Delete 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 **Screening 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.
- (6) That section 4.6 be amended to add the following wording:
- (a) Add 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”.
- (7) That section 4.9 be amended to add the following section:
- (a) 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)**”.
- (8) That section 5.1 be amended to add the following wording:
- (a) Add 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”
- (9) That section 5.3 be deleted in its entirety and replaced as follows:
- “A person’s Request for Review by Hearing Officer is exercised by attending in person by appointment only”**
- (10) Amend Section 7 (Administration) to add the following subsection:
- (a) 7.11 “Once a Penalty Notice has been paid there is no further option for dispute.”
- (11) Amend and replace Schedule A

Schedule “A”

*** (repealed and replaced by By-law 2015-157, November 24, 2015)**

Administrative Monetary Penalty System By-Law

Designated Provisions for Parking By-Law 2005-188

1. For the purposes of section 2 of this By-law, Column 2 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.
2. Column 3 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 2.
3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 2.

Designated By-Law # 2005-188, as amended			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
1	2	Park motor vehicle other than right hand side to highway	\$ 40.00
2	3(a)	Park parallel more than 15 cm from curb or edge of highway	\$ 40.00
3	3(b)	Park other than parallel to the curb or edge of highway	\$ 40.00
4	4(a)	Angle park other than 45 degrees from curb	\$ 40.00

Designated By-Law # 2005-188, as amended			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
5	4(b)	Angle park outside of designated parking space	\$ 40.00
6	5(a)	Park on highway within 9m of any intersection	\$50.00
7	5(b)	Park on highway within 15m of signalized intersection	\$ 40.00
8	5(c)	Park on highway within 3m of fire hydrant	\$ 100.00
9	5(d)	Park to obstruct private roadway	\$50.00
10	5(e)	Park to obstruct sidewalk	\$ 50.00
11	5(f)	Park to obstruct any portion of crosswalk	\$ 40.00

12	5(g)	Park so as to interfere with the movement of traffic	\$ 40.00
13	5(h)	Park so as to interfere with snow removal	\$ 150.00
14	5(i)	Park between 2:30 a.m. and 6:00 a.m.	\$ 50.00
15	5(j)	Park on boulevard	\$ 40.00
16	5(k)	Park within 152m of active fire fighting apparatus	\$ 100.00

17	5(l)	Park to close to fire hall entrance	\$ 100.00
18	5(m)	Park on a bridge	\$ 40.00
19	5(n)	Park on a public laneway	\$ 40.00
20	5(o)	Park within 6m of a bus stop	\$ 40.00
21	5(r)	Park on a median	\$ 40.00

Designated By-Law # 2005-188, as amended			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
22	5(s)	Park within 0.2m of a private roadway	\$ 40.00
23	5(t)	Park to obstruct a pedestrian walkway	\$ 40.00
24	5(u)	Park perpendicular to the curb	\$ 40.00
25	5(v)	Park in front or obstruct super mailbox	\$ 40.00
26	5(w)	Park vehicle for sale on highway	\$ 40.00
27	5(x)	Park vehicle on highway with expired validation tag	\$ 40.00
28	5(y)	Park vehicle on highway for degreasing/washing	\$40.00
29	5(z)	Park to obstruct any portion of the highway	\$ 40.00
30	5(aa)	Park vehicle on highway for more than 48 hrs	\$ 40.00
31	6	Park in a prohibited location	\$55.00
32	6	Park in a prohibited location in a school zone	\$110.00
33	7	Park in excess of permitted maximum parking time period	\$ 40.00
34	8	Stop in prohibited location	\$50.00
35	8	Stop in prohibited location in a school zone	\$100.00
36	9(3)	Park in fire access route	\$ 200.00
37	10(2)	Park on private property without consent of owners	\$45.00
38	10(2)(a)	Park on private property outside a parking space	\$40.00
39	10(4)(a)	Park on town/local board property where public parking is not authorized	\$ 40.00
40	10(4)(b)	Park at a City facility between 2:30 a.m. and 6:00 a.m.	\$50.00

Designated By-Law # 2005-188, as amended			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
41	10(4)(c)	Park at a City Facility outside a parking space	\$ 40.00
42	10(5)	Park on public property for longer than 48 hours	\$ 40.00
43	11(1)	Park in designated handicap space without a permit	\$300.00
44	11(1)(a)	Park in designated handicap space where the Accessible Parking Permit is not clearly visible.	\$50.00
45	11(4)	Private property owner or operator not maintaining or erecting handicap parking signage	\$ 500.00
46	11(5)	Park or stop to obstruct access to a handicap parking space	\$ 300.00
47	12	Park in School Bus Loading Zone	\$ 40.00
48	13	Park commercial vehicle in residential zone	\$ 70.00
49	14(8)	Park in Permit Parking longer than 48 hours	40.00
50	14(9)	Park an inoperative vehicle in Permit Parking	\$ 40.00
51	14(10)	Park – fail to hang parking permit from rear view mirror in permit parking area in designated times	\$ 40.00
52	15(2)	Park at expired parking meter	\$ 40.00
53	15(5)	Park at parking meter beyond specified times	\$ 40.00
54	15(6)	Park at parking meter outside permitted times	\$ 40.00
55	15(7)	Park within two spaces and fail to pay for both meters	\$ 40.00
56	15(9)	Park in parking meter space where prohibited	\$ 40.00

Designated By-Law # 2005-188, as amended			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
57	16(2)	Park in Parking Machine Control without valid displayed receipt	\$ 40.00
58	16(4)	Park- fail to properly display a parking Control Machine receipt	\$ 40.00
59	16(5)	Park in parking Machine Control space not within permitted time	\$ 40.00
60	16(6)	Park in Parking Machine Control beyond maximum period allowed	\$ 40.00
61	16(7)	PARK IN PARKING Machine Control not wholly within a delineated space	\$ 40.00
62	17	Park in taxi stand	\$ 40.00
63	18(1)	Park in Daytime Permit Parking without a permit	\$ 40.00

Read a first, second and third time and passed this 29th day of May, 2018.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor