

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2024-0061 (REG-1)

BEING A BY-LAW TO ESTABLISH AN ADMINISTRATIVE
PENALTY SYSTEM FOR CERTAIN VIOLATIONS OF BY-LAWS
AND THE HIGHWAY TRAFFIC ACT WITHIN THE TOWN OF
GEORGINA

WHEREAS section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*") and Ontario Regulation 333/07 authorize the Town 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 Ontario Regulation 355/22 made under the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended (the "*Highway Traffic Act*") authorizes the use of Administrative Penalties for vehicle-based Contraventions captured by automated enforcement systems;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes the Town to require a Person, subject to such conditions as the Town considers appropriate, to pay an Administrative Penalty if the Town is satisfied that the Person has failed to comply with a by-law of the Town;

AND WHEREAS subsection 434.2(2) of the *Municipal Act, 2001* 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;

AND WHEREAS section 15.4.1 of the *Building Code Act, 1992* authorizes the Town to require a Person, subject to such conditions as the Town considers appropriate, to pay an Administrative Penalty if the Town is satisfied that the Person has failed to comply with a by-law or an order of an officer under subsection 15.2 (2) of the said *Act*, as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3 of the said *Act*;

AND WHEREAS sections 23.1, 23.3 and 23.5 of the *Municipal Act, 2001* authorize the Town to delegate its administrative and hearing powers;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes the Town to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of the Town considers it desirable and necessary to provide for a system of Administrative Penalties and Administrative Fees for the designated Town by-laws referred to herein;

BE IT THEREFORE ENACTED BY THE COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA:

1.0 Interpretation and Definitions

- 1.1 The provisions of Part VI of the *Legislation Act, 2006*, S.O. 2006, c.21, Sched. F shall apply to this By-law.
- 1.2 A reference to any legislation, by-law, or any provision thereof in this By-law shall include reference to any amendment to or modification or re-enactment thereof, any legislative provision substituted therefor, any regulation made thereunder, and any successor legislation or by-law.
- 1.3 Where words and phrases used in this by-law are not defined herein but are defined in the *Highway Traffic Act*, the definitions in the *Highway Traffic Act* shall apply.
- 1.4 For the purposes of this By-law:
 - (a) Administrative Penalty – means a monetary penalty issued by means of a Penalty Notice or Penalty Order for the Contravention of a Designated By-law or the *Highway Traffic Act*;
 - (b) Contravention – includes both an actual and an alleged contravention of a Designated By-law or the *Highway Traffic Act*;
 - (c) Court - means any court of law of the Province of Ontario, including but not limited to the Ontario Court of Justice, the Superior Court of Justice, and the Court of Appeal for Ontario;
 - (d) Designated By-law – means a by-law, or a part or provision of a by-law, that is designated under this by-law, and is listed in the attached Schedules “A” or “B”;

- (e) Director – means the Director of Legislative Services of the Town (or any successor job title), or anyone designated by the Director of Legislative Services to perform his or her duties pursuant to this By-law;
- (f) Effective Date of Service – means the date on which service of a Penalty Notice or Penalty Order is deemed to be effective in accordance with this By-law;
- (g) Fees – means any of the following types of Fees:
 - (i) Administrative Fee – any fee specified in Ontario Regulation 355/22 or this By-law;
 - (ii) Late Payment Fee – an Administrative Fee established by the Town from time to time and listed in Schedule “C”, for a Person’s failure to pay an Administrative Penalty within the time prescribed in this By-law;
 - (iii) MTO Search Fee – an Administrative Fee established by the Town from time to time and listed in Schedule “C”, for any search of the records of, or any inquiry to, the Ontario Ministry of Transportation or a related authority, for the purposes of this By-law;
 - (iv) MTO Plate Denial Fee -- an Administrative Fee established by the Town and listed in Schedule “C”, for notifying the Registrar of Motor Vehicles for the purpose of denying renewal of a vehicle permit;
 - (v) NSF Fee – an Administrative Fee established by the Town in its Fees & Charges By-law in respect of any payment attempted to be made by a Person to the Town for which insufficient funds are available or the transaction is otherwise declined by a financial institution;
 - (vi) Screening Non-Appearance Fee – an Administrative Fee established by the Town from time to time and listed in Schedule “C”, in respect of a Person’s failure to appear at the time and place scheduled for a review by a Screening Officer;
 - (vii) Hearing Non-Appearance Fee – an Administrative Fee established by the Town from time to time and listed in Schedule “C”, in respect of a Person’s failure to appear at the time and place scheduled for a hearing before a Hearing Officer;

- (h) Hearing Decision – means a notice that contains the decision of a Hearing Officer;
- (i) Hearing Officer – means a person appointed by the Town from time to time pursuant to its Screening and Hearing Officer By-law to perform the functions of a Hearing Officer in accordance with this By-law and/or Ontario Regulation 355/22, and pursuant to the Town's Screening and Hearing Policy;
- (j) Hearing Officer Review Form - means the form attached to the Screening Decision that may be filed by a Person under this By-law;
- (k) Holiday – means a Saturday, Sunday and any statutory holiday in the Province of Ontario, and any day on which the offices of the Town are officially closed for business;
- (l) Officer – means a Person appointed/authorized by the Town to enforce this By-law, or a police officer employed by the York Regional Police Service;
- (m) Owner – means the Person whose name appears on the permit for a vehicle issued by the Ontario Ministry of Transportation, provided that if the vehicle permit consists of a vehicle portion and a plate portion and different Persons are named on each portion, the Owner shall be the Person whose name appears on the plate portion;
- (n) Penalty Notice – means a notice respecting an Administrative Penalty issued pursuant to Section 4.1 (a) or (b) of this By-law, in relation to a Contravention of a Designated By-law;
- (o) Penalty Notice Date – means the date of the Contravention referred to in a Penalty Notice;
- (p) Penalty Notice Number – means the reference number specified on a Penalty Notice that is unique to that Penalty Notice;
- (q) Penalty Order - means an Administrative Penalty issued pursuant to Section 4.1 (c) of this By-law and the *Highway Traffic Act*, in relation to Contraventions detected using automated camera systems;
- (r) Penalty Order Date – means the date of the Contravention referred to in a Penalty Order;
- (s) Penalty Order Number – means the reference number specified on a Penalty Order that is unique to that Penalty Order;

- (t) Person – includes an individual or corporation, or an authorized representative thereof;
- (u) *Provincial Offences Act* – means the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended;
- (v) Regulation – means Ontario Regulation 333/07 made under the *Municipal Act, 2001* and/or any regulation enacted for the purposes of section 434.1 of the *Municipal Act, 2001*;
- (w) Screening and Hearing Officer By-law – means By-law No. 2022-0053 (AD-1) of the Town, as amended from time to time, or any successor thereof;
- (x) Screening Decision – means a notice which contains the decision of a Screening Officer;
- (y) Screening Officer – means a Person appointed by the Town from time to time pursuant to its Screening and Hearing Officer By-law to perform the functions of a screening officer pursuant to this By-law and/or Ontario Regulation 355/22;
- (z) *Statutory Powers Procedure Act* – means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended; and
- (aa) Town – means The Corporation of the Town of Georgina or the geographical area thereof, as the context may require.

2.0 Application

- 2.1 This By-law applies only to those Contraventions referred to in Schedules “A” and “B” to this By-law, and to Contraventions of the *Highway Traffic Act* detected using automated camera systems.
- 2.2 The Town By-laws, or portions of Town By-laws, listed in the attached Schedule “A” of this By-law shall be Designated By-laws for the purposes of Section 102.1 of the *Municipal Act, 2001* and paragraph 3(1)(b) of the Regulation.
- 2.3 The attached Schedules “A” and “B” set out the Administrative Penalties and include short form wording to be used on Penalty Notices in respect of Contraventions of Designated By-laws.
- 2.4 The attached Schedule “C” sets out the Administrative Fees imposed for the purposes of this By-law.

- 2.5 The Administrative Penalties designated in the attached Schedules "A" and "B" shall be imposed by Penalty Notice and administered under the Administrative Monetary Penalty System.
- 2.6 The Administrative Penalties issued under the *Highway Traffic Act* shall be imposed by Penalty Order and administered under the Administrative Monetary Penalty System.

3.0 Administration

The Director may:

- 3.1 Designate locations, both within the Town and elsewhere, and determine dates and times, for conducting reviews and hearings under this By-law;
- 3.2 Prescribe all forms and notices, including the Penalty Notice, guidelines, processes, policies and procedures necessary to implement this By-law and the Administrative Monetary Penalty System, and may amend such forms, notices, guidelines, processes, policies and procedures from time to time as the Director deems necessary without amendment to this By-law; and
- 3.3 Amend the Administrative Fees as may be necessary to reflect changes in fees imposed by the Province of Ontario in relation to the administration of the Administrative Monetary Penalty System.

4.0 Administrative Penalties

4.1 (a) Schedule "A" By-laws (Parking)

If a vehicle has been left parked, standing or stopped in Contravention of a Designated By-Law in Schedule "A", the Owner of the vehicle shall, upon issuance of a Penalty Notice in accordance with this By-Law, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule "A", and shall be liable to pay to the Town any Administrative Fees that are payable in accordance with this By-Law.

(b) Schedule "B" By-laws

If a Person is found in Contravention of a Designated By-Law in Schedule "B", the Person shall, upon issuance of a Penalty Notice in accordance with this By-Law, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule "B", and shall be liable to pay to the Town any Administrative Fees that are payable in accordance with this By-Law.

(c) *Highway Traffic Act*

If a Person is found in Contravention of the *Highway Traffic Act* and such Contravention is detected using automated camera systems, the Person shall, upon issuance of a Penalty Order in accordance with this By-law, be liable to pay to the Town an Administrative Penalty in the amount specified in Ontario Regulation 355/22 under the *Highway Traffic Act*.

- 4.2 An Officer who has reason to believe that a Person has contravened a Designated By-Law may issue a Penalty Notice in accordance with this By-Law.
- 4.3 An Officer who has reason to believe that a Person has contravened the *Highway Traffic Act* may issue a Penalty Order in accordance with Ontario Regulation 355/22.
- 4.4 A Penalty Notice or Penalty Order shall include the following information:
- (a) The Penalty Notice or Penalty Order Date;
 - (b) The Penalty Notice or Penalty Order Number;
 - (c) The provision of the *Highway Traffic Act* or Designated By-law contravened;
 - (d) The amount of the Administrative Penalty;
 - (e) The time for payment of the Penalty Notice or Penalty Order;
 - (f) Information respecting the process by which the person may pay the Administrative Penalty or request a review of the Administrative Penalty;
 - (g) A statement advising that an Administrative Penalty will constitute a debt of the Owner or Person named therein to the Town;
 - (h) The name and identification number of the Officer issuing the Penalty Notice or Penalty Order; and
 - (i) In the case of a Penalty Order, identification of the motor vehicle that was involved in the Contravention, as required under Ontario Regulation 355/22.
- 4.5 The amount due for a Penalty Notice issued pursuant to Section 4.1 (a) is:

- (a) the Early Payment Penalty Amount set out in Schedule "A" for the related Contravention if payment is received by the Town within fifteen (15) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law; or
- (b) the Set Penalty Amount set out in Schedule "A" for the related Contravention if payment is received by the Town on or after the sixteenth (16th) calendar day and before the thirtieth (30th) calendar day from the Effective Date of Service of the Penalty Notice in accordance with this By-law; or
- (c) the Set Penalty Amount referred to in Section 4.5 (b) plus the Late Payment Amount set out in Schedule "C" for the related Contravention if payment is received by the Town on or after the thirtieth (30th) calendar day from the Effective Date of Service of the Penalty Notice in accordance with this By-law.

4.6 The amount due for a Penalty Notice issued pursuant to Section 4.1 (b) is:

- (a) the Early Payment Penalty Amount set out in Schedule "B" for the related Contravention if payment is received by the Town within fifteen (15) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law; or
- (b) the Set Penalty Amount set out in Schedule "B" for the related Contravention if payment is received by the Town on or after the sixteenth (16th) calendar day and before the thirtieth (30th) calendar day from the Effective Date of Service of the Penalty Notice in accordance with this By-law; or
- (c) the Set Penalty Amount referred to in Section 4.6 (b) plus the Late Payment Amount set out in Schedule "C" for the related Contravention if payment is received by the Town on or after thirtieth (30th) calendar day from the Effective Date of Service of the Penalty Notice in accordance with this By-law.

4.7 A person's right to request a review with a Screening Officer, or to request an extension of time to request a review, shall be exercised by delivering to the Town in accordance with Section 7.10 the prescribed Screening Officer Review Form, which shall include:

- (a) the Penalty Notice or Penalty Order Number;

- (b) the Person's mailing address and, if applicable, telephone number and email;
- (c) in the case of a request to extend time to request a review, the reasons, if any, for having failed to exercise the right to request a review within thirty (30) days from the date the Penalty Notice was served;
- (d) the Person's preference to meet in-person with the Screening Officer for the review, or to have the review undertaken by the Screening Officer in writing or by telephone.

4.8 Where a Person requests to meet in-person with the Screening Officer in accordance with this By-law, the Person shall be provided no fewer than seven (7) calendar days' notice of the date, time and place of the Screening Officer Review.

4.9 Where a Person who has requested to meet in-person with the Screening Officer in accordance with this By-law fails to appear at the time and place scheduled for a Screening Officer Review, or fails to remain at such place until the Screening Officer has made a Screening Decision respecting the Administrative Penalty, then:

- (a) the Person shall be deemed to have abandoned the request for the review;
- (b) the Administrative Penalty shall be deemed to be final;
- (c) the Administrative Penalty shall not be subject to further review by a Hearing Officer or review by any Court; and
- (d) the Person shall pay to the Town a Screening Non-Appearance Fee.

5.0 Review of Administrative Penalties by a Screening Officer

5.1 A Person who is served with a Penalty Notice or Penalty Order may request that the Administrative Penalty be reviewed by a Screening Officer within 30 calendar days of the Effective Date of Service, and shall do so on or before the date on which the Administrative Penalty is due and payable by delivering the prescribed form to the Town in accordance with Section 7.10.

5.2 If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Screening Officer extend the time to deliver a Request

for Review form for a period of up to thirty (30) days after the Penalty Notice due Date.

- 5.3 Every Person who has attended a review by the Screening Officer shall be served with a copy of the Screening Decision within 15 calendar days of the screening review.
- 5.4 The Screening Officer may only extend the time to request a review of the Administrative Penalty if the Person requesting the extension demonstrates, on a balance of convenience, extenuating circumstances that warrant the extension of time. The Screening Officer will consider the request for extension before reviewing the Administrative Penalty.
- 5.5 Where an extension of time to request a review is not granted by the Screening Officer, the Administrative Penalty and any applicable Administrative Fees shall be deemed to be affirmed and shall not be subject to review.
- 5.6 Where neither a review nor an extension of time for review are requested in accordance with this By-law, or where the person fails to request a review within any extended period of time granted by the Screening Officer:
 - (a) The Person shall be deemed to have waived the right to a screening and a hearing;
 - (b) The Administrative Penalty and any applicable Administrative Fees shall be deemed to be final; and
 - (c) The Administrative Penalty and any applicable Administrative Fees shall not be subject to review.
- 5.7 On a review of an Administrative Penalty, the Screening Officer may in the Screening Decision:
 - (a) Affirm the Administrative Penalty (including any applicable Administrative Fees);
 - (b) Cancel, reduce, or extend the time for payment of the Administrative Penalty (including any applicable Administrative Fees), on the following grounds:
 - i. Where the Screening Officer is satisfied, on a balance of probabilities, that the vehicle was not parked, standing, or stopped in Contravention of the Designated By-law as set out in the Penalty Notice, or

- ii. Where the Screening Officer is satisfied, on a balance of convenience, that the cancellation, reduction, or extension of the time for payment of the Administrative Penalty, including any applicable Administrative Fees, is necessary to reduce an undue hardship.

5.8 A Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation, or by-law.

6.0 Review of Screening Decisions by a Hearing Officer

6.1 A Person may request a review by a Hearing Officer on or before the due date for the Administrative Penalty set out in the Screening Decision.

6.2 If a Person has not requested a Hearing Review on or before the date on which the Administrative Penalty is due and payable, the Screening Decision shall be deemed final unless the Person requests, within thirty (30) calendar days after the Screening Decision was served, that the Hearing Officer extend the time to request a review.

6.3 A Person's right to request a review of the Screening Decision by a Hearing Officer or to request an extension of time to request a review shall be exercised by delivering to the Town in accordance with Section 7.10 the prescribed Hearing Officer Review Form, which shall include:

- (a) the Penalty Notice or Penalty Order Number;
- (b) the Person's mailing address and, if applicable, telephone number and email;
- (c) the reasons for which the review has been requested; and
- (d) in the case of a request to extend time to request a review, the reasons, if any, for having failed to exercise the right to request a review within thirty (30) days from the date the Screening Decision was served.

6.4 The Person shall be given at least thirty (30) calendar days' notice of the date, time, and place of the hearing of the review by the Hearing Officer.

6.5 If the Person fails to appear at the time and place scheduled for the hearing of the review:

- (a) the Person shall be deemed to have abandoned the request for the review;

- (b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and shall not be subject to any further review, including review by any Court; and
 - (c) the Person shall pay to the Town a Hearing Non-Appearance Fee.
- 6.6 Where the Person appears at the time and place scheduled for the hearing of the review, the Hearing Officer shall not make a determination of the matter without first giving the Person an opportunity to be heard.
- 6.7 On a review of the Screening Decision, the Hearing Officer may:
 - (a) Affirm or deny the request to extend the time to request a review;
 - (b) Affirm the Administrative Penalty;
 - (c) Cancel the Administrative Penalty;
 - (d) Reduce the Administrative Penalty to the Early Payment Penalty Amount; or
 - (e) Extend the time for payment.
- 6.8 The Hearing Officer may only extend the time to request a review of the Screening Decision where the Person requesting the extension demonstrates, on a balance of convenience, extenuating circumstances that warrant the extension of time. The Hearing Officer will consider the request for extension before reviewing the Screening Decision.
- 6.9 Where an extension of time for a hearing review is not granted by the Hearing Officer, the Screening Decision shall be deemed to be final and shall not be subject to review.
- 6.10 Where neither a hearing review nor an extension of time for a hearing review are requested in accordance with this By-law, or where the Person fails to request a hearing review within any extended period of time granted by the Hearing Officer:
 - (a) The person shall be deemed to have waived the right to a hearing review;
 - (b) The Screening Decision shall be deemed to be final; and
 - (c) The Screening Decision shall not be subject to review.

- 6.11 A Hearing Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation, or by-law.
- 6.12 A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the Person and the Town an opportunity to be heard.
- 6.13 The hearing shall be conducted in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.
- 6.14 The Hearing Officer may consider and rely on a certified statement of an Officer, including but not limited to certified photographs taken by an Officer. For this purpose, the Penalty Notice, signed by the Officer, shall constitute a certified statement of the Officer.
- 6.15 In addition to anything else that is admissible as evidence in accordance with the *Statutory Powers Procedure Act*, the materials referred to in Section 6.14 are admissible in evidence as proof of the facts contained therein, in the absence of evidence to the contrary.
- 6.16 If evidence referred to in Section 6.14 is being admitted at a hearing, the Hearing Officer shall not adjourn the hearing for the purpose of having the Officer attend to give evidence unless the Hearing Officer is satisfied that the oral evidence of the Officer is necessary to ensure a fair hearing.
- 6.17 The Person requesting the hearing shall be served with a copy of the Hearing Decision within 15 calendar days of the hearing review.
- 6.18 The decision of the Hearing Officer is final.

7.0 Service of Documents

- 7.1 Service of a Penalty Notice, as referenced in Section 4.1 (a), is deemed effective if made in any of the following ways:
- (a) Affixing it to the vehicle in a conspicuous place at the time of the Contravention;
 - (b) Delivering it personally to the operator of the vehicle or the person having care and control of the vehicle at the time of the Contravention;
 - (c) Mailing it by regular mail to the Owner at the address set out on the vehicle permit as soon as reasonably practicable after the Contravention; or

- (d) Delivering it personally to an occupant at the address of the Owner as set out on the ownership, who appears to be at least 16 years of age, as soon as reasonably practicable after the Contravention.

7.2 Service of a Penalty Notice, as referenced in Section 4.1 (b), is deemed effective if made in any of the following ways:

- (a) Delivering it personally to the Person named in the Penalty Notice at the time of the Contravention;
- (b) Mailing it by regular mail to the Person named in the Penalty Notice at his/her last known address, as soon as reasonably practicable after the Contravention; or
- (c) Delivering it personally to an occupant who appears to be at least 16 years of age at the last known address of the Person named in the Penalty Notice, as soon as reasonably practicable after the Contravention.

7.3 Service of a Penalty Order under the *Highway Traffic Act* is deemed effective if made by sending it by regular mail or courier to the Person named in the Penalty Order at his/her last known address, as soon as reasonably practicable after the Contravention.

7.4 Service of any document other than a Penalty Notice or Penalty Order is deemed effective if made by:

- (a) delivering it personally to a Person requesting a screening or hearing review, in the case of a Screening Decision or Hearing Decision;
- (b) delivering it personally to an occupant who appears to be at least 16 years of age at the last known address of the Owner or Person named in the Penalty Notice; or
- (c) Mailing it by regular mail to the Owner or Person named in the Penalty Notice, at their last known address.

7.5 For the purposes of this By-Law, the last known address of the Owner shall be the address as set out on the vehicle permit or, where an updated address has been provided in writing by the Owner to the Municipal Law Enforcement Division of the Town at the time of service, such updated address.

7.6 Any Penalty Notice, Penalty Order or other document sent by regular mail in accordance with this By-Law to the Owner or Person named in a

Penalty Notice or Penalty Order is deemed to have been served on the seventh (7th) calendar day after the date of such mailing.

- 7.7 Any Penalty Notice affixed to the vehicle to which it applies, or any Penalty Notice, Penalty Order or other document delivered personally in accordance with this By-Law, is deemed to have been served on the date and time of such affixation or delivery.
- 7.8 Service in accordance with this By-law on a Person who is not the Owner, including, without limiting the foregoing, service of a Screening Decision or Hearing Decision by delivering it personally to the Person or sending it to the Person's last known email address, shall be deemed to be service on the Owner.
- 7.9 Where a Person served with a Penalty Notice or Penalty Order, or issued a Screening Decision, is not the Owner, the Owner may exercise any right that such Person may exercise under this By-law.
- 7.10 Service of a document on the Town may be made by:
 - (a) Sending it by regular or registered mail to the Town's Municipal Law Enforcement Division;
 - (b) Sending it by email to the email address indicated on the Penalty Notice; or
 - (c) Delivering it personally to the Town's Municipal Law Enforcement Division.

8.0 General Provisions

- 8.1 An Administrative Penalty provided for in a Penalty Notice or Penalty Order that is paid prior to a screening review shall be deemed final and will not be subject to screening, unless there is an error on the face of the Penalty Notice or Penalty Order, as determined by the Director.
- 8.2 Unless otherwise stated in this By-law, an Administrative Penalty is due and payable within 30 calendar days following the Effective Date of Service of the Penalty Notice or Penalty Order imposing the Administrative Penalty.
- 8.3 Where an Administrative Penalty and/or Administrative Fee is affirmed or reduced by a Screening Officer or a Hearing Officer, the Administrative Penalty and/or Administrative Fee shall be due and payable on the date specified in the Screening Decision or Hearing Decision, as the case may be.

- 8.4 Where an Administrative Penalty provided for in a Penalty Notice issued pursuant to Section 4.1 (a) is not paid within 30 calendar days of the Effective Date of Service of the Penalty Notice, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town an MTO Search Fee.
- 8.5 Where an Administrative Penalty provided for in a Penalty Notice issued pursuant to Section 4.1 (a) is not paid within 30 calendar days after it becomes due and payable, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town, in addition to any other fees, a Late Payment Fee.
- 8.6 Where an Administrative Penalty provided for in a Penalty Notice issued pursuant to Section 4.1 (b) is not paid within 30 calendar days of the Effective Date of Service of the Penalty Notice, the Person named in the Penalty Notice shall pay to the Town, in addition to any other fees, a Late Payment Fee.
- 8.7 Where an Administrative Penalty provided for in a Penalty Notice issued pursuant to Section 4.1 (a) is not paid within 15 calendar days after it becomes due and payable in accordance with a Screening Decision or Hearing Decision, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town, in addition to any other fees, an MTO Search Fee and a Late Payment Fee.
- 8.8 Where an Administrative Penalty provided for in a Penalty Notice issued pursuant to Section 4.1 (b) is not paid within 15 calendar days after it becomes due and payable in accordance with a Screening Decision or Hearing Decision, the Person named in the Penalty Notice shall pay to the Town, in addition to any other fees, a Late Payment Fee.
- 8.9 Where an Administrative Penalty provided for in a Penalty Notice issued pursuant to Section 4.1 (a) and any Administrative Fees are not paid within 75 calendar days after they become due and payable, the Town may:
- (a) notify the Registrar of Motor Vehicles of the default, and the Registrar shall not validate the permit of the Owner or a Person named in the default notice nor issue a new permit to that Owner or Person in respect of the vehicle to which the Administrative Penalty and Administrative Fees apply, until such Administrative Penalty and Administrative Fees are paid, and the Owner or Person shall, in addition to any other fees, pay to the Town an MTO Plate Denial Fee; and/or

- (b) pursue any other collection mechanisms available to the Town pursuant to the Regulation or at law.

- 8.10 Where a Person employs a method of payment to the Town of any Administrative Penalty or Administrative Fee for which insufficient funds are available or the transaction is otherwise declined by a financial institution, the Person shall pay to the Town, in addition to any other fees, an NSF Fee.
- 8.11 All amounts due and payable to the Town pursuant to this By-law constitute a debt to the Town.
- 8.12 Where a person makes a request for an extension of time for payment and the request is granted, the date on which the Administrative Penalty is due and payable shall be the date established in accordance with the extension of time, and:
 - (a) the Penalty Notice or Penalty Order will not be subject to a Late Payment Fee or MTO Search Fee until the time for payment has expired, after which such Fees shall apply in accordance with the provisions hereof; and
 - (b) the enforcement mechanisms available to the Town shall be suspended until the extension of time has expired, after which such Fees shall apply in accordance with the provisions hereof.
- 8.13 Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any related Administrative Fee is also cancelled.
- 8.14 Where a Person has paid an Administrative Penalty or an Administrative Fee that is cancelled or reduced by a Screening Officer or Hearing Officer, the Town shall refund the amount cancelled or reduced.
- 8.15 Where a Person served with a Penalty Notice issued pursuant to Section 4.1 (a) or issued a Screening Decision is not the Owner, the Owner may exercise any right that such Person may exercise under this By-law.
- 8.16 No Officer may accept payment in respect of an Administrative Penalty or Administrative Fee.
- 8.17 Payment of an Administrative Penalty or Administrative Fee must be received by the date on which such payment is due and payable (or any extended due date set in accordance with this By-law), and will not be credited until received by the Town.

8.18 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

8.19 Should any provision, or any part of a provision, of this By-law be declared invalid or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such provision or part of a provision be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

9.0 Offences

9.1 Any Person who:

(a) makes a false, misleading, or fraudulent statement in relation to a Penalty Notice, or on any form submitted to the Town in relation to a Penalty Notice; or

(b) obstructs an Officer exercising any authority under this By-law,

is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the *Provincial Offences Act*.

9.2 No Person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically, or otherwise, with the Screening Officer or Hearing Officer respecting a Penalty Notice or Penalty Order and/or respecting a Power of Decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except for a Person who is entitled to be heard in the proceeding or the Person's lawyer, licensed paralegal or authorized representative, who may communicate with the Screening Officer or Hearing Officer only during the hearing of the proceeding.

9.3 Any Person who contravenes Section 9.2 of this By-law is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the *Provincial Offences Act*.

9.4 Nothing in this Section prevents a Screening Officer or a Hearing Officer from seeking or receiving legal advice.

10.0 Schedules

10.1 The following attached schedules form part of this By-law:

- (a) Schedule "A" – Designated By-laws, Short Form Wordings and Administrative Penalties for Parking Contraventions
- (b) Schedule "B" – Designated By-laws, Short Form Wordings and Administrative Penalties for Other Contraventions
- (c) Schedule "C" – Administrative Fees

11.0 Transitional Provision and Effective Date

11.1 This By-law replaces By-law No. 2022-0052 (REG-1). Notwithstanding the foregoing, for any Penalty Notice issued or proceeding commenced under By-law No. 2022-0052 (REG-1) prior to the passage hereof, the provisions of By-law No. 2022-0052 (REG-1) shall continue to apply.

11.2 This By-law shall come into force and effect on the 11th day of September, 2024.

READ AND ENACTED this 11th day of September, 2024

Margaret Quirk, Mayor

Rachel Dillabough, Town Clerk

SCHEDULE "A"

DESIGNATED BY-LAWS, SHORT FORM WORDINGS AND ADMINISTRATIVE PENALTIES FOR PARKING CONTRAVENTIONS

1. The provisions of each Section of Town of Georgina By-law No. 2023-0087 (TR-1), as amended, listed in Column 2 of the following table are Designated By-laws for the purposes of this By-law.
2. Column 3 in the following table sets out the short form wording to be used in the Penalty Notice for a Contravention of each Designated By-law listed in Column 2.
3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for the Contravention of each Designated By-law listed in Column 2 if voluntarily paid within 15 days of the Effective Date of Service.
4. Column 5 in the following table sets out the Administrative Penalty amount that is payable for the Contravention of each Designated By-law listed in Column 2 if paid between 16 days and 30 days of the Effective Date of Service.

TRAFFIC & PARKING BY-LAW NO. 2023-0087 (TR-1), AS AMENDED				
COLUMN 1 ITEM	COLUMN 2 DESIGNATED PROVISION - SECTION	COLUMN 3 SHORT FORM WORDING	COLUMN 4 EARLY PAYMENT PENALTY AMOUNT	COLUMN 5 SET PENALTY AMOUNT
1.	4.1(1)	Park in prohibited area	\$30	\$40
2.	5.3(2)	Park in fire route	\$100	\$125
3.	5.7(5)c	Park in designated accessible parking space	\$300	\$350
4.	4.2(1)	Stop in prohibited area	\$50	\$65
5.	3.2(1)n	Park on boulevard	\$30	\$40
6.	3.4(1)	Stop on/over sidewalk	\$30	\$40
7.	5.5(1)b	Park on municipal property without consent	\$30	\$40

8.	5.5(1)a	Park on private property without consent	\$30	\$40
9.	3.1(1)(a)(i)	Park other than right wheels to right shoulder	\$30	\$40
10.	5.4(1)	Park 2am-7am Nov.15-Apr.15	\$30	\$40
11.	3.2(1)e	Park in excess of 3 hours	\$30	\$40
12.	3.2(1)k	Park to interfere with traffic	\$30	\$40
13.	3.2(1)f	Park displaying vehicle for sale	\$30	\$40
14.	5.8(2)	Park without valid permit displayed	\$30	\$40
15.	3.2(1)b	Park within 3 metres of fire hydrant	\$30	\$40
16.	3.2(1)a	Park within 60 cm of driveway	\$30	\$40
17.	3.2(1)c	Park within 9 metres of intersecting road	\$30	\$40
18.	3.2(1)a	Park within 2 metres of private road	\$30	\$40
19.	3.6	Park vehicle for sale of goods	\$30	\$40
20.	3.2(1)d	Park within 15 metres of railway crossing	\$30	\$40
21.	4.1(2)a	Park contrary to posted times	\$30	\$40
22.	3.2(1)g	Park to repair vehicle	\$30	\$40
23.	5.6(1)	Park longer than 72 hours on road allowance	\$30	\$40
24.	3.2(1)i	Park-prevent removal of previously parked vehicle	\$30	\$40
25.	3.2(1)m	Park on bridge	\$30	\$40
26.	3.1(1)(a)(i)	Park more than 30 cm from curb	\$30	\$40
27.	3.2(1)j	Park-obstruct crosswalk	\$30	\$40
28.	5.4(2)	Park vehicle to interfere with snow removal	\$30	\$40
29.	5.4(2)	Park vehicle to interfere with ice removal	\$30	\$40
30.	5.4(2)	Park vehicle to interfere with snow clearing	\$30	\$40

31.	5.4(4)	Park vehicle on highway during winter maintenance event	\$30	\$40
32.	3.3(1)h	Did park in prohibited area within the Waterfront Park Buffer Zone	\$100	\$125
33.	3.5(4)	Did stop in prohibited area within the Waterfront Park Buffer Zone	\$150	\$180
36.	5.5(1)c	Did park in unauthorized area	\$50	\$65
37.	5.9(4)	Park without valid control device displayed	\$100	\$125
38.	5.1(1)(a)(ii)	Park other than right wheels to right shoulder	\$30	\$40

SCHEDULE "B"

**DESIGNATED BY-LAWS, SHORT FORM WORDINGS AND ADMINISTRATIVE
PENALTIES FOR OTHER CONTRAVENTIONS
SCHEDULE "C"**

ADMINISTRATIVE FEES

ITEM	FEE
Screening Non-Appearance Fee	\$60
Hearing Non-Appearance Fee	\$60
Late Payment Fee – Designated By-laws in Schedule "A"	\$25
Late Payment Fee – Designated By-laws in Schedule "B"	Penalty Amount + 25%
MTO Search Fee	\$8.25
MTO Plate Denial Fee	\$25

NOTE: Any taxes applicable to the Administrative Fees listed in this Schedule "C", including Harmonized Sales Tax (H.S.T.) where applicable, shall be payable in addition to the Administrative Fees.