

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic Development

Subject: Administrative Monetary Penalty (AMPS) By-law:
Housekeeping Amendments

Date: July 15, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken:

- (a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on July 23, 2024, to amend By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London”; and
- (b) the attached proposed by-law (Appendix “B”) **BE INTRODUCED** at the Municipal Council meeting to be held on July 23, 2024, to amend By-law No. PW-11, being “A by-law to provide for the sale of fireworks and the setting off of fireworks and pyrotechnics within the City of London, and for requiring a permit and imposing conditions”.

Executive Summary

This report is intended to be an update to the Administrative Monetary Penalties (AMPS) By-law (A-54) and to ensure updates are made to the penalty schedules of the Fireworks By-law (PW-11), Sound By-law (PW-12), the Parks & Recreation By-law (PR-2), Traffic and Parking By-law (PS-114). The proposed amendments to these Penalty Schedules are administrative in nature and are recommended to continue to employ AMPS penalty system efficiently as a tool to ensure by-law compliance. This report will also amend the Fireworks By-law (PW-11) to allow for the implementation of the Administrative Monetary Penalty System.

Linkage to the Corporate Strategic Plan

Section 1.3 (in Outcome 1: *Wellbeing and Safety*) of the 2023-2027 Strategic Plan, focuses on addressing safety concerns and supporting Londoners’ overall quality of life: improving public spaces such as parks and recreation centres, delivering services that enhance the quality of life for residents, providing better emergency services, promoting health equity, and supporting better affordability with our city. The recommendations contained within this report are directly in line with the 2023-2027 Strategic Plan.

Analysis

1.0 Background Information

1.1 The Administrative Monetary Penalties System (AMPS) By-law (A-54)

On June 29, 2019, Municipal Council passed the Administrative Monetary Penalties System Bylaw (AMPS) with an effective date of November 1, 2019. The AMPs process has since proven to be an effective method of issuing Provincial Offences Act (POA) tickets for parking violations and other by-law matters. The AMPS process transfers by-

law disputes from the courtroom to the municipality using screening officers and independent hearing officers who can reduce, cancel, or affirm penalties. The intent of the attached amendments is to further support the use of AMPs to address additional municipal by-law violations.

1.2 The Fireworks By-law (PW-11)

The purpose of this By-law is to regulate and restrict the sale and discharge of fireworks and pyrotechnics within the City of London. The By-law defines Consumer Fireworks, Display Fireworks, and Special Effect Pyrotechnics. The By-law includes several restrictions, including but not limited to:

- 1) Date(s) on which Consumer Fireworks can be discharged;
- 2) Prohibiting the discharging of any Consumer Fireworks in a manner that may create a danger, unsafe act, or a nuisance to any person or property;
- 3) The Fireworks By-law also requires persons discharging Consumer Fireworks to be over the age of 18 or under the direct supervision of and control of a person who is 18 years of age or older;
- 4) A person discharging Consumer Fireworks can only do so on their own property or on another person's land provided they have the owner's permission.

1.2 Previous Reports Related to this Matter

Community and Protective Services Committee - Amendment to Fireworks Bylaw - June 21, 2016 and CPSC - Administrative Monetary Penalties – January 23, 2018, December 11, 2018, June 17, 2019, October 6, 2020, April 20, 2021, and March 21, 2023.

1.3 Municipal Purpose

The Municipal Act, 2001 is the main statute governing the creation, administration, and government of municipalities in the Canadian province of Ontario.

Subsection 10(2) 6) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: health, safety, and wellbeing of persons.

Subsection 10(2) 8) protection of persons and property, including consumer protection.

2.0 Discussion and Considerations

2.1 Amendments to Penalty Schedules of the AMPS By-law (A-54)

Staff are proposing the following amendments:

- Fireworks By-law – (PW-11) – Addition of Administrative Monetary Penalties addressing the discharging of fireworks.
- Sound By-law (PW-12) – Addition of shortform wording for an “Obstruct” provision to the Sound By-Law (Schedule A-16)
- Parks and Recreation Area By-law (PR-2) - Addition of shortform wording for an “Allow, cause, or permit” provision regarding the operation of vehicles/motor vehicle / e-scooter / horse-drawn conveyance in public parks and on multi-use pathways (Schedule A-17)
- Traffic & Parking By-law - PS-114 – Amendments to Schedule B include MTO Fee Plate Denial Request Fee, Schedule C to outline who is eligible to be assigned as a ‘Designated Screening Officer’ and to outline Administrative Fees for infractions pertaining to Screening reviews and Hearing reviews.

2.2 Amendments to the Fireworks By-law (PW-11)

Staff are also proposing the following amendments:

- Fireworks By-law – (PW-11) – An amendment to Section 25 of By-law No. PW-11 to add new section to allow for the implementation of Administrative Monetary Penalties addressing the discharging of fireworks.

3.0 Financial Impact/Considerations

None currently.

4.0 Key Issues and Considerations

This report seeks Council's approval to amend the Administrative Monetary Penalties System (AMPS) By-law (A-54). This amended by-law and its schedules are attached as Appendix "A", Schedule "A-16", Schedule "A-17", Schedule "A-28" (new), Schedule "B", and Schedule "C". This report also seeks Council's approval to amend the Fireworks By-law (PW-11) to allow for the implementation of Administrative Monetary Penalties.

Conclusion

The use of Administrative Monetary Penalty System (AMPS) has been become recognized as a fair, effective, and more flexible way to address nuisance behaviours across the city. Staff are proposing minor, housekeeping amendments to help ensure proper by-law implementation through Municipal By-law enforcement.

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**Reviewed &
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Manager, Community Compliance and Animal
Services, Municipal Compliance,
(Acting) Director, Municipal Compliance

Recommended by: Scott Mathers, MPA, P.Eng
Deputy City Manager, Planning and Economic
Development

Bill No. _____
2024

By-law No. A-54 (___)-___

A by-law to amend By-law No. A-54, as amended, being "A by-law to implement an Administrative Monetary Penalty System in London

WHEREAS section 434.1 of the Municipal Act and Section 15.4.1 of the Building Code Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System;

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54, being "A by-law to implement an Administrative Monetary Penalty System in London," as amended;

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. A-54, as amended, with respect to contraventions of designated by-laws under the Administrative Monetary Penalty System By-Law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. That Schedule "A-1" of By-law No. A-54 be amended to include the following by-laws;

Fireworks By-law – PW-11

2. That the definition of "Administrative Penalty" be amended to add "A-28" after "A-27";
3. That section 2.1 be amended to add "A-28" after "A-27";
4. That section 3.1 be amended to add "A-28" after "A-27";
5. That section 3.1a) be amended to add "A-28" after "A-27";
6. That Schedule "A-16" of By-law No. A-54, be amended to include the following rows:

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount*
	Obstruct any person exercising power or duty under by-law	5.6	\$250.00
	Attempt to obstruct any person exercising power or duty under by-law	5.6	\$250.00

7. That Schedule "A-17" of By-law No. A-54, be amended to include the following rows:

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount*
	Allow, cause, or permit the operation of a vehicle upon roadway in direction other than indicated on signs	3.1(1)	\$200.00
	Allow, cause, or permit the operation of a vehicle in violation of posted signs	3.1(2)	\$200.00
	Allow, cause, or permit the operation of a vehicle (in excess of posted speed limit / in excess of 20km/hr.)	3.1(3)	\$200.00
	Allow, cause, or permit the operation of a motor vehicle / e-scooter / horse-drawn conveyance on multi-use pathway	3.1(4)	\$200.00

- 8. That the attached Schedule “A-28” be added to By-law No. A-54 to provide for a penalty schedules;
- 9. That Schedules “B” and “C” of No. A-54 be replaced with the attached revised Schedules “B” and “C” to provide for a penalty schedules; and
- 10. This by-law comes into effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Passed in Open Council on July 23, 2024, subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

Second Reading – July 23, 2024

Third Reading – July 23, 2024

Schedule “A-28”

Penalty Schedule for Fireworks By-law – PW-11

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.

2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.

3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount*
1	Causing or allowing the discharge of Fireworks (display or consumer Firecrackers when prohibited)	4.(1), 5.(4)	\$500.00
2	Discharging any prohibited firecrackers or fireworks	4.(2)	\$500.00
3	Discharging display Fireworks or consumer Fireworks in a dangerous manner	5.(5), 5.(6), and 5.(7)	\$500.00
4	Discharging display Fireworks or consumer Fireworks on days not permitted in the by the by-law or without a permit	4.(1), 5.(1), 6.(2), 8 (a)-(i), 9 (a)-(c), 10, 11, and 12	\$500.00
5	Failure to provide direct supervision of and control of a person eighteen (18) years of age or over	5.(3)	\$500.00
6	Discharging special effect pyrotechnics without a permit	22	\$250.00
7	Hold display of display Fireworks or consumer Fireworks in a public place or on private property when prohibited or without a permit.	6.(1), 6.(2)	\$500.00
8	Failure of the permit holder holding the display of special effect pyrotechnics to ensure that all	23	\$250.00

	unused fireworks and all debris are removed.		
9	Failure of the holder of a display firework or display of special effect pyrotechnics to produce his or her permit upon being so directed by the Fire Chief.	24.1	\$250.00

**Note: At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences.*

Schedule "B"

Designated Provisions for laying out the Administrative Fee structure for infractions pertaining to MTO fee, Plate Denial, Hearing and Screening reviews.

Administrative Fee Description	Fee Amount*
MTO Fee (Parking penalties only)	\$10
Plate Denial Request Fee (Parking penalties only)	\$20
Late Payment Fee	\$25
Screening Non-Appearance Fee	\$50
Hearing Non-Appearance	\$100

**Note: Fees listed in Schedule "B" to this By-law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.*

Schedule “C”

Designated Screening Officers

1. The Director, Municipal Compliance, or delegate(s) as assigned.
2. Manager of Municipal Law Enforcement Services or delegate(s) as assigned.
3. Parking Coordinator or delegate(s) as assigned.
4. Screening Officers or delegate(s) as assigned.

Appendix “B”

Bill No. _____
2024

By-law No. PW-11-

A by-law to amend By-law No. PW-11, being “A by-law to provide for the sale of fireworks and the setting off of fireworks and pyrotechnics within the City of London, and for requiring a permit and imposing conditions”.

WHEREAS section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly, so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 10 of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality, 6. Health, safety and well-being of persons, 8. Protection of persons and property, including consumer protection, 9. Animals, 10. Structures, including fences and signs, and 11. Business licensing;

AND WHEREAS subsections 8(3) and (4) of the Municipal Act, 2001 provide that a by-law under section 10 may: regulate or prohibit respecting the matter; require persons to do things respecting the matter; provide for a system of licences (permits) respecting the matter; and such by-law may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate;

AND WHEREAS s.120 of the Municipal Act, 2001 provides that a local municipality may:

- (a) prohibit and regulate the manufacture of explosives in the municipality;
- (b) prohibit and regulate the storage of explosives and dangerous substances in the municipality;
- (c) regulate the keeping and transportation of explosives and dangerous substances in the municipality; and further that a municipality may prohibit the manufacture or storage of explosives unless a permit is obtained, and may impose conditions of obtaining or continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS s.121 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks, and further that a municipality may prohibit those activities unless a permit is obtained for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS section 7.1(1) of the Fire Protection and Prevention Act, S.O. 1997, C. 4, as amended provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS s.7.1(4) of the Fire Protection and Prevention Act provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with;

AND WHEREAS O. Reg. 213/07 (the Fire Code) made under the Fire Protection and Prevention Act sets out requirements with respect to “Explosives, Fireworks and Pyrotechnics” in Section 5.2;

AND WHEREAS s.29 of the Explosives Act, R.S.C., 1985, c. E-17 provides that the Act does not relieve any person from the obligation to comply with the requirements of any by-law in relation to explosives;

AND WHEREAS subsection 5(3) of the Municipal Act, 2001 S.O. 2001, c.25, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. That Section 25.(3) of By-law No. PW-11 be amended by adding the following new section:

(c) “Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty.”

2. This by-law comes into effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Passed in Open Council on July 23, 2024, subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
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First Reading – July 23, 2024
Second Reading – July 23, 2024
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