



TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON DECEMBER 10, 2018
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	ADMINISTRATIVE MONETARY PENALTY BY-LAW PUBLIC PARTICIPATION MEETING

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, the following actions be taken:

- a) the attached proposed by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting to be held on December 18, 2018 to implement an Administrative Monetary Penalty System for parking and by-law infractions;
- b) the Civic Administration **BE AUTHORIZED** to undertake all administrative acts necessary in connection with this project;
- c) the Mayor and the City Clerk **BE AUTHORIZED** to execute any other documents, if required, to give effect to these recommendations; and
- d) Civic Administration **BE DIRECTED** to report back to the Community and Protective Services Committee with information following the initial 12 month implementation period.

PREVIOUS REPORTS

Administrative Monetary Penalties - January 23, 2018 - CPSC

BACKGROUND

The *Municipal Act* and Ontario Regulation 333/07 authorize municipalities to implement a system of Administrative Monetary Penalties (AMPs). This legislative process is an alternative method of issuing *Provincial Offences Act* (POA) tickets for parking violations and other by-law matters. When a defendant receives a ticket for a parking or by-law offence, the defendant may request a trial heard by a Justice of the Peace in the Provincial Offences Court. The AMPs system of enforcement transfers by-law disputes from the courtroom to the municipality through the use of administrative screening officers and independent hearing officers who are able to modify (reduce), cancel, or affirm penalties. AMPs can be served on a vehicle (parking violations) or by mail, email or fax (parking and other by-law offences). Numerous municipalities in Ontario have implemented an AMPs process for parking and other by-law related matters. The Province has outlined the process in the attached document:

https://www.attorneygeneral.jus.gov.on.ca/english/POA%20ConsultationPaper%20Final_ENG.html

Over the past few years, staff actively consulted other Ontario municipalities to review their AMPs processes in order to tailor the program to best fit London. In addition, staff visited Vaughan, Markham, Oshawa and Oakville to meet with front line staff, supervisors and managers to gather their input and perspectives on their processes (eg. what works well, what they would suggest to improve, best practices) and were able to witness firsthand actual AMPs screenings.

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It is anticipated that AMPs By-law will become effective with the implementation of AMPs in Q2 2019. The advanced timing of this report is based on the Provincial application requirements to initiate the necessary agreements and contracts which must include a Council approved AMPs By-law. There also continues to be considerable administrative work to be completed over the next few months including amending the Traffic and Parking PS-113 By-law penalty regulations pursuant to the *Municipal Act*, new forms, signage, web design, vendor software and internal IT configuration, project testing etc.

Initially only parking violations will be administered by AMPs, however, once the system is operational and performing optimally, other by-law violations such as business licenses, property standards, signs etc. will be added to the AMPs system which will be configured to process multiple violations in addition to parking. The attached By-law contains short form wording, penalty amounts for parking violations and fee amounts. When other by-laws are added to AMPs, the By-law schedules will be amended to reflect penalty amounts.

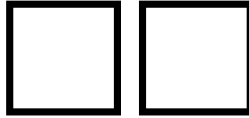
FINANCIAL IMPACT

Currently, the City issues approximately 80,000 parking tickets annually with a value of over \$3.6 million. Under the AMPs process, the City is able to recover costs through fees for various items such as Ministry of Transportation plate searches, failure to appear for screenings/hearings, late payment fees, etc. Many of these costs currently are not able to be recovered. Under the AMPs process, there may be costs for hearings that are undetermined at this time as this is dependent on the number of hearings requested and the cost of engaging an independent hearing officer(s).

CONCLUSION

The AMPs process is a more efficient and effective method of serving and administering by-law charges, alleviating Court time and simplifying the customer experience for by-law violations. Further, all municipalities that were contacted concurred that there was great benefit to proceeding with the transition to AMPs from the Courts POA system. There has been some discussion on the Province requiring municipalities to transition to an AMPs system. London will be in a good position given the timeframe and the level of work that staff in many service areas have contributed to this project including Parking Services, Information Technology Services and Legal Services.

PREPARED BY:	
ANNETTE DROST MANAGER MUNICIPAL LAW ENFORCEMENT SERVICES PARKING SERVICES	
PREPARED BY:	RECOMMENDED BY:
OREST KATOLYK, MLEO (C) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL



ADMINISTRATIVE MONETARY PENALTY SYSTEM

By-law

A by-law to implement an ADMINISTRATIVE MONETARY PENALTY SYSTEM IN LONDON

Whereas Section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the “*Municipal Act*”) and Ontario Regulation 333/07 (the “*Regulation*”) authorize The Corporation of the City of London (the “*City*”) 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 Section 434.1 of the *Municipal Act* authorizes the City to require a person, subject to such 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 paragraph 151(1)(g) of the *Municipal Act* authorizes the City to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality;

AND WHEREAS Sections 23.2, 23.3 and 23.5 of the *Municipal Act* authorize the City to delegate its administrative and hearing powers;

AND WHEREAS the Municipal Council for the City is of the opinion that the delegations of legislative power under this By-law to the Chief Municipal Law Enforcement Officer, the Clerk, to Hearings Officers and to Screenings Officers are of a minor nature having regard to the number of people, the size of the geographic area, and the time period affected by the exercise of such delegated power;

AND WHEREAS Section 391 of the *Municipal Act* authorizes the City 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 for the City considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated City by-laws, or portions of the designated City by-laws;

Now Therefore the Council of The Corporation of the City of London enacts as follows:

SHORT TITLE AMPS BY-LAW

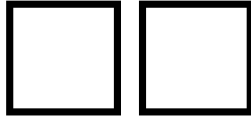
1. DEFINITIONS

In this By-law:

Administrative Fee - defined

“Administrative Fee” means any fee specified in this By-law or set out in Schedule “B”;

Administrative Penalty - defined



“Administrative Penalty” means an administrative penalty established by this By-law or set out in the attached Schedule “A” for a contravention of a Designated By-law;

AMPS - defined

“AMPS” means Administrative Monetary Penalty System;

Authorized Representative- defined

“Authorized Representative” means someone appearing on behalf of a Person in accordance with a written authorization provided upon request to the Chief Municipal Law Enforcement Officer, and who is not required to be licensed by any professional body;

Chief Municipal Law Enforcement Officer – defined

“Chief Municipal Law Enforcement Officer” means the City’s Chief Municipal Law Enforcement Officer or any person delegated by them;

City - defined

“City” means The Corporation of the City of London;

Clerk - defined

“Clerk” means the City Clerk, or any person delegated by them;

Council - defined

“Council” means the Council of the City;

Day - defined

“Day” means any calendar day;

Designated By-law - defined

“Designated By-law” means a by-law, or a part or provision of a by-law, that is designated under this or any other by-law, and is listed in the attached Schedule “A” to which the AMPS applies;

Hearing Non-appearance Fee - defined

“Hearing Non-appearance Fee” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to appear at the time and place scheduled for a review before a Hearing Officer and listed in Schedule “B”;

Hearing Decision - defined

“Hearing Decision” means a notice that contains a decision made by a Hearing Officer;

Hearing Officer - defined

“Hearing Officer” means a person who performs the functions of a Hearing Officer in accordance with Section 5 of this By-law, and pursuant to the City’s Hearing Officer By-law, A.-6653-121, as amended from time to time;

Holiday - defined

“Holiday” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any Day the offices of the City are officially closed for business;

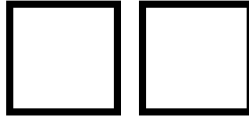
Late Payment Fee - defined

“Late Payment Fee” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to pay an Administrative Penalty within the time prescribed in this By-law and listed in Schedule “B”;

MTO Fee - defined

“MTO Fee” means an Administrative Fee established by Council from time to time for any search of the records of, or any inquiry to, the Ontario Ministry of Transportation, or related authority, and listed in Schedule “B”;

NSF Fee - defined



“NSF Fee” means an Administrative Fee established by Council from time to time in respect of payment by negotiable instrument or credit card received by the City from a Person for payment of any Administrative Penalty or Administrative Fee, for which there are insufficient funds available in the account on which the instrument was drawn, as listed in Schedule “B”;

Officer - defined

“Officer” means:

(i) a Provincial Offences Officer of the City or other person appointed by or under the authority of a City by-law to enforce City by-laws;

Penalty Notice - defined

“Penalty Notice” means a notice given to a Person pursuant to section 3.0 of this By-law;

Penalty Notice Date - defined

“Penalty Notice Date” means the date of the contravention specified on the Penalty Notice, in accordance with section 3.2 of this By-law;

Penalty Notice Number - defined

“Penalty Notice Number” means the reference number specified on the Penalty Notice that is unique to that Penalty Notice, in accordance with section 3.2 of this By-law;

Person - defined

“Person” includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, and, in relation to vehicle, parking or traffic-related contraventions, whose name appears on the vehicle permit as provided by the Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different Persons are named on each portion, the Person whose name appears on the licence plate portion, as provided by the Ontario Ministry of Transportation, is the Person for the purposes of this By-law;

Plate Denial Fee - defined

“Plate Denial Fee” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to pay within the time prescribed prior to a request for plate denial and listed in Schedule “B”;

Regulation - defined

“Regulation” means Ontario Regulation 333/07 under the *Municipal Act*;

Request for Review by Hearing Officer - defined

“Request for Review by Hearing Officer” means the request which may be made in accordance with section 5 of this By-law for the review of a Screening Decision;

Request for Review by Screening Officer - defined

“Request for Review by Screening Officer” means the request made in accordance with section 4 of this By-law for the review of a Penalty Notice;

Review by Hearing Officer and Hearing - defined

“Review by Hearing Officer” and “Hearing” mean the process set out in section 5 of this By-law;

Review by Screening Officer and Screening Review - defined

“Review by Screening Officer” and “Screening Review” mean the process set out in section 4 of this By-law;

Screening Decision - defined

“Screening Decision” means a notice which contains the decision of a Screening Officer, delivered in accordance with Section 4.11 of this By-law;

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Screening Non-appearance Fee - defined

“Screening Non-appearance Fee” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to appear at the time and place scheduled for a review before a Screening Officer and listed in Schedule “B”; and,

Screening Officer - defined

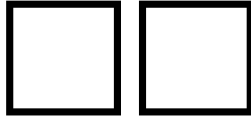
“Screening Officer” means a person who performs the functions of a Screening Officer in accordance with section 4 of this By-law, appointed by the City as per Schedule “C”;

2. APPLICATION OF THIS BY-LAW

- 1) The City by-laws, or portions of City by-laws, listed in the attached Schedule “A” of this By-law shall be Designated By-laws for the purposes of sections 102.1 and 151 of the *Municipal Act* and paragraph 3(1)(b) of the Regulation. The attached Schedule “A” sets out the Administrative Penalty, and may include short form language to be used on Penalty Notices, for the contraventions of Designated Bylaws.
- 2) Schedule “B” of this By-law shall set out Administrative Fees imposed for the purposes of this By-law.
- 3) The *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, does not apply to a contravention of a Designated By-law.

3. PENALTY NOTICE

- 1) Every Person who contravenes a provision of a Designated By-law shall, upon issuance of a Penalty Notice, be liable to pay the City an Administrative Penalty in the amount specified in the attached Schedule “A” to this By-law.
- 2) An Officer who has reason to believe that a Person has contravened any Designated By-law may issue a Penalty Notice as soon as reasonably practicable.
- 3) A Penalty Notice shall include the following information, as applicable:
 - a. The Penalty Notice Date;
 - b. A Penalty Notice Number;
 - c. The date on which the Administrative Penalty is due and payable, fifteen (15) days from service of the Penalty Notice;
 - d. The identification number and signature of the Officer;
 - e. The contravention wording as listed in the attached Schedules, or other particulars reasonably sufficient to indicate the contravention;
 - f. The amount of the Administrative Penalty;
 - g. Such additional information as the Chief Municipal Law Enforcement Officer determines is appropriate, respecting the process by which a Person may exercise the right to request a Screening Review of the Administrative Penalty; and



- h. A statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the City unless cancelled pursuant to Screening Review or Hearing process.
- 4) In addition to the service methods provided in section 7 “Service of Documents” of this By-law, an Officer may serve the Penalty Notice on a Person by:
 - a. affixing it to the vehicle in a conspicuous place at the time of a parking or traffic-related contravention; or
 - b. delivering it personally to the Person,
 - i) when relating to a parking or traffic-related contravention, the Person having care and control of the vehicle at the time of the contravention, within seven (7) days of the contravention; or
 - ii) for all other contraventions, within thirty (30) days of the contravention.
- 5) No Officer may accept payment of an Administrative Penalty or Administrative Fee.
- 6) A Person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Administrative Notice is due and payable, shall also pay the City any applicable Administrative Fee(s).

4. VOLUNTARY PAYMENT OF PENALTY NOTICE

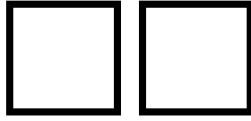
- 1) Where a Penalty Notice has been paid, the Penalty Notice shall not be subject to any further review.
- 2) A Penalty Notice shall be deemed to have been paid when the amount and all fees prescribed in Schedule “B” have been paid.

5. REVIEW BY SCREENING OFFICER

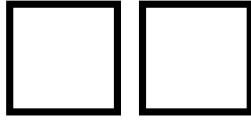
- 1) A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date on which the Administrative Penalty is due and payable, and in accordance with the process set out in Section 5.4.
- 2) If a Person has 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 Chief Municipal Law Enforcement Officer extend the time to request a Screening Review to a date that is no later than forty-five (45) days after the Penalty Notice Date, in accordance with the process set out in Section 5.4.
- 3) A Person’s right to request an extension of time for a Screening Review expires, if it has not been exercised, on or before forty-five (45) days after the Penalty Notice Date, at which time:
 - a. The Person shall be deemed to have waived the right to request a Screening Review or request an extension of time for a Screening Review;
 - b. The Administrative Penalty shall be deemed to be confirmed; and

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- c. The Administrative Penalty shall not be subject to any further review, including a review by any Court.
- 4) A Person's Request for Review by Screening Officer or request for an extension of time to request a Screening Review are exercised by a submission in writing, in the prescribed form and in accordance with the directions on the prescribed form.
- 5) A Request for Review by Screening Officer or request for an extension of time to request a Screening Review shall be served in accordance with the provisions of Section 7 of this By-law.
- 6) A Request for Review by Screening Officer or a request for an extension of time to request a Screening Review shall only be scheduled by the Chief Municipal Law Enforcement Officer if the Person makes the request on or before the dates established by Sections 5(1) or 5(2) of this By-law.
- 7) The Chief Municipal Law Enforcement Officer may grant a request to extend the time to request a Screening Review where the Person demonstrates, to the satisfaction of the Chief Municipal Law Enforcement Officer in his/her sole discretion, that the existence of extenuating circumstances prevented the filing of the request within the prescribed timeline.
- 8) Where an extension of time to request a Screening Review is not granted by the Chief Municipal Law Enforcement Officer, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed. Notice of this decision will be provided by the Chief Municipal Law Enforcement Officer to the Person in accordance with Section 7.



- 9) Where an extension of time to request a Screening Review is granted by the Chief Municipal Law Enforcement Officer, or when a Screening Review has been requested in accordance with this Section, Notice of an Appointment for Screening Review will be provided in accordance with Section 7.
- 10) On a Screening Review of an Administrative Penalty, the City will direct that the Screening Review proceed by way of written screening unless, in the City's discretion, an in-person or telephone appointment is required.
- 11) Where a Person fails to attend at the time and place scheduled for a Screening Review of an Administrative Penalty, or fails to provide requested documentation in accordance with a request by a Screening Officer:
 - a. The Person shall be deemed to have abandoned the request for a Screening Review of the Administrative Penalty;
 - b. The Administrative Penalty as set out in the Penalty Notice shall be deemed to be confirmed;
 - c. The Administrative Penalty shall not be subject to any further review, including a review by any Court; and
 - d. The Person shall pay to the City a Screening Non-appearance Fee, MTO fee, if applicable, and any other applicable Administrative Fee(s).
- 12) On a review of an Administrative Penalty, the Screening Officer may:
 - a. affirm the Administrative Penalty if the Person has not established on a balance of probabilities that Designated Bylaw(s) was not contravened as described in the Penalty Notice; or
 - b. cancel, reduce the penalty and/or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), where, in the sole discretion of the Screening Officer that doing so would maintain the general intent and purpose of the Designated By-law, and/or any of the following circumstances exist:
 - i. defective form or substance on the Penalty Notice;
 - ii. service of the Penalty Notice did not occur in accordance with Section 7;
 - iii. undue financial hardship;
- 13) After a Review by Screening Officer, the Screening Officer shall issue a Screening Decision to the Person, delivered in accordance with Section 7 of this By-law.
- 14) 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. REVIEW BY HEARING OFFICER

- 1) A Person may Request a Review by Hearing Officer within thirty (30) days of issuance of a Screening Decision in accordance with the Hearings Officer By-law A-6653-121, as amended from time to time (the "Hearings Officer By-law").
- 2) If a Person has not requested a Review by Hearing Officer on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Chief Municipal Law Enforcement Officer extend the time to request a Review by Hearing Officer to a date that is no later than forty-five (45) days after the Screening Decision date, in accordance with the process set out in Section 6(4).
- 3) A Person's right to request an extension of time for a Hearing Review expires, if it has not been exercised, on or before forty-five (45) days after the Screening Decision date, at which time:
 - a. the Person shall be deemed to have waived the right to request a Review by Hearing Officer or request an extension of time for a Review by Hearing Officer;
 - b. the Screening Decision is confirmed; and
 - c. the Administrative Penalty shall not be subject to any further review, including a review by any Court.
- 4) A Person's Request for Review by Hearing Officer or request for an extension of time to request a Review by Hearing Officer are exercised by a submission in writing, in the prescribed form and in accordance with the directions on the prescribed form.
- 5) A Request for Review by Screening Officer or request for an extension of time to request a Screening Review shall be served in accordance with the provisions of Section 7 of this By-law.
- 6) A Request for Review by Hearing Officer or a request for an extension of time to request a Review by Hearing Officer shall only be scheduled by the Chief Municipal Law Enforcement Officer if the Person makes the request on or before the dates established by Sections 6(1) or 6(2) of this By-law.
- 7) The Chief Municipal Law Enforcement Officer may grant a request to extend the time to request a Review by Hearing Officer only where the Person demonstrates, to the satisfaction of the Chief Municipal Law Enforcement Officer in his/her sole discretion that they were not served in accordance with Section 7.
- 8) Where an extension of time to request a Review by Hearing Officer is granted by the Chief Municipal Law Enforcement Officer, or when a Review by Hearing Officer has been requested in accordance with this Section, Notice of a Hearing will be provided in accordance with Section 7.
- 9) Where a Person fails to appear at the time and place scheduled for a Hearing:

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- a. the Person shall be deemed to have abandoned the Request for review of a Hearing;
 - b. the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall be deemed to be confirmed;
 - c. the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and
 - d. the Person shall pay to the City a Hearing Non-appearance Fee, Late Payment Fee, MTO Fee if applicable and any other applicable Administrative Fee(s).
- 10) A Hearing Officer shall conduct a *de novo* Hearing in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22, as amended and the Hearings Officer By-law, as amended from time to time.
- 11) The Parties to a Hearing shall be the Person seeking review and the City, who may attend through the Chief Municipal Law Enforcement Officer, a Screening Officer, an Officer, the City Solicitor, or a delegate of any of the above persons.
- 12) Any information contained in the Penalty Notice is admissible in evidence as proof of the facts certified in it, in the absence of evidence to the contrary. If a Person wishes to challenge the facts contained in the Penalty Notice, they will be required to mark the prescribed form accordingly.
- 13) Upon the conclusion of a Hearing, the Hearing Officer may:
- a. confirm the Screening Decision; or
 - b. cancel, reduce the penalty and/or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:
 - i. where the Person establishes on a balance of probabilities that the Designated By-law(s) as described in the Penalty Notice was not contravened; or
 - ii. where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue financial hardship.
- 14) 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.
- 15) After a Hearing is complete, the Hearing Officer shall issue a Hearing Decision to the Person, and deliver in accordance with the Hearings Officer By-law.
- 16) The decision of a Hearing Officer is final.

7. SERVICE OF DOCUMENTS

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- 1) The service of any document, notice or decision, including a Penalty Notice, pursuant to this By-law, when served in any of the following ways, is deemed effective:
 - a. immediately, when a copy is delivered by personal service to the Person to whom it is addressed or, in the case of a Penalty Notice relating to a parking or traffic-related contravention, by affixing it to the vehicle in a conspicuous place at the time of the contravention;
 - b. on the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the Person's last known address;
 - c. immediately upon the conclusion of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
 - d. immediately upon sending a copy by electronic mail (i.e. email) to the Person's last known electronic mail address.

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- 2) For the purposes of subsections 7(1) (b), (c) and (d) of this By-law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the City as may be required by a form, practice or policy under this By-law.
- 3) If a notice document that is to be given or delivered to a Person under this By-law is mailed to the Person at the Person's last known address appearing on the records of the City as part of a proceeding under this By-law, or sent electronically to an email address that was provided by the Person, there is an irrebuttable presumption that the notice or document is given or delivered to the person.
- 4) A Person shall keep their contact information for service current by providing any change in address, facsimile, or electronic mail address to the Chief Municipal Law Enforcement Officer, immediately. Failure to comply with this section will negate consideration for an extension of time to Request a Review by Hearing Officer pursuant to Section 6(4).
- 5) Where this By-law requires service by a Person on the City, service shall be addressed to the Chief Municipal Law Enforcement Officer, and shall be deemed effective:
 - a. immediately, when a copy is delivered by personal service to the Chief Municipal Law Enforcement Officer at the location prescribed on the applicable form or notice;
 - b. on the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the location prescribed on the applicable form or notice;
 - c. immediately with respect to electronic mail or upon the conclusion of a copy by facsimile transmission to the facsimile number listed on the applicable form or notice.

8. ADMINISTRATION

- 1) The Chief Municipal Law Enforcement Officer shall administer this By-law and establish any additional practices, policies and procedures necessary to implement this By-law and may amend such practices, policies and procedures from time to time as the Chief Municipal Law Enforcement Officer deems necessary, without amendment to this By-law.
- 2) The Chief Municipal Law Enforcement Officer shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-law and may amend such forms and notices from time to time as the Chief Municipal Law Enforcement Officer deems necessary, without amendment to this By-law.
- 3) Any Administrative Fee(s) prescribed within Schedule "B" of this By-law shall be added to and be deemed part of the penalty amount unless otherwise rescinded by the Hearings Officer.

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- 4) Where an Administrative Penalty is not paid by the date on which the Administrative Penalty is due and payable, the Person shall pay to the City a Late Payment Fee, in addition to the Administrative Penalty and any applicable Administrative Fee(s).

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- 5) Where a Person makes payments to the City of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by negotiable instrument or credit card, for which there are insufficient funds available in the account on which the instrument was drawn, the Person shall pay to the City the NSF Fee set out in the City's Fee By-law.
- 6) An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the City owed by the Person.
- 7) Where an Administrative Penalty, and any applicable Administrative Fee(s) or Late Payment Fee(s), are not paid by the date on which they are due and payable, the City shall enforce the payment of such fees in accordance with the applicable legislation and regulations, including but not limited to the ability to notify the Registrar of Motor Vehicles, resulting in plate denial. At the time that plate denial is requested a plate denial fee will be added in accordance with Schedule "B" of this by-law and shall be added to the total debt owed to the City.
- 8) Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.
- 9) An Authorized Representative is permitted to appear on behalf of a Person at a Screening Review or Review by Hearing Officer, or to communicate with the City on behalf of a Person in accordance with a written authorization satisfactory to the Chief Municipal Law Enforcement Officer.
- 10) Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.
- 11) A Person claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the Chief Municipal Law Enforcement Officer, the Screening Officer or the Hearing Officer, as applicable.
- 12) Any schedule attached to this By-law forms part of this By-law.

9. SEVERABILITY

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 a provision, or part of a provision, shall 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.

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10. INTERPRETATION

- 1) The provisions in Part VI of the Legislation Act, 2006, S.O. 2006, c.21, Sched. F, shall apply to this By-law.
- 2) Where words and phrases used in this By-law are defined in the *Highway Traffic Act*, but not defined in this By-law, the definitions in the *Highway Traffic Act* shall apply to such words and phrases.

11. SHORT TITLE

This By-law may be referred to as the AMPS By-law.

11. EFFECTIVE DATE

This By-law shall come into force and effect on May 1, 2019.

Read a first, second, and third time and passed on December 18, 2018.

Catharine Saunders
City Clerk

Ed Holder
Mayor