

BY-LAW NUMBER XX-24
-OF-
THE CORPORATION OF THE COUNTY OF BRANT

Being a By-law to establish an administrative penalty system for violations of By-laws within the County of Brant

WHEREAS Sections 23.2, 23.3 and 23.5 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Municipal Act, 2001”) authorize the County to delegate its administrative and hearing powers;

AND WHEREAS section 102.1 of the *Municipal Act, 2001* and O. Reg. 333/07, authorizes the County 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 391 of the *Municipal Act, 2001* authorizes the County to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes the County 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 County;

AND WHEREAS, section 434.2(1) of the *Municipal Act, 2001* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS subsection 434.2(2) of the *Municipal Act, 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 County 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 passed under section 15.1 of the *Building Code Act, 1992*; or an order of an officer under subsection 15.2 (2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3 of the *Building Code Act, 1992*;

AND WHEREAS, Section 12(1)3 of Ontario Regulation 333/07 of the *Municipal Act, 2001* provides that a municipality may charge administrative fees in the amount

specified in the administrative penalty system by-law for any other fee or charge imposed by the municipality in respect of the administration of the administrative penalty system under section 391 of the Act.

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

NOW THEREFORE the Council of the Corporation of the County of Brant enacts as follows:

Interpretation and Definitions

1. A reference to any legislation, by-law, or any provision thereof in this By-law shall include reference to any amendment to, modification or re-enactment thereof, any legislative provision substituted therefor, any regulation made thereunder, and any successor legislation or by-law.
2. Where words and phrases used in this by-law are not defined herein but are defined in the *Highway Traffic Act, R.S.O. 1990, c. H. 8*, the definitions in the *Highway Traffic Act* shall apply.
3. For the purpose of this By-law:

“Administrative Penalty” means an administrative penalty as set out in Schedules “A” and “B” of this By-law, for a contravention of a Designated By-law;

“Clerk” means the County Clerk, or anyone designated by the County Clerk to perform their duties pursuant to this By-law;

“County” means the Corporation of the County of Brant and includes the geographical area within the County;

“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;

“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 Schedules “A” and “B”;

“Effective Date of Service” means the date on which service of a Penalty Notice is deemed to be effective in accordance with this By-law;

“Fees” includes the following:

- (a) “Administrative Fee” means any fee(s) listed in Schedule “C” of this By-law;
- (b) “Hearing Non-Appearance Fee” means an Administrative Fee established by the County from time to time, as 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;
- (c) “Late Payment Fee” means an Administrative Fee established in Schedule “C” of this By-law in respect of a Person’s failure to pay an Administrative Penalty within the time prescribed;
- (d) “MTO Plate Denial Fee” means an Administrative Fee listed in Schedule “C”, as represented by the Ontario Ministry of Transportation, for notifying the Registrar of Motor Vehicles for the purpose of denying renewal of a vehicle permit;
- (e) “MTO Search Fee” means an Administrative Fee established by the County from time to time for any search of the records of, or any inquiry to, the Ontario Ministry of Transportation, or related authority, for the purposes of this By-law;
- (f) “Screening Non-Appearance Fee” means an Administrative Fee established by the County from time to time, as 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.

“Hearing Decision” means a notice that contains the decision of a Hearing Officer;

“Hearing Officer” means any person appointed by the County from time to time consistent with the APS conflict of interest policy and pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Hearing Officer in accordance with this By-law and pursuant to the County’s Screening and Hearing Policy;

“Hearing Officer Appeal Form” means the form attached to the Screening Decision that may be filed by a Person under this By-law;

“Holiday” means a Saturday, Sunday and any statutory holiday in the Province of Ontario or any day on which the offices of the County are officially closed for business;

“Non-Parking By-law Penalty Notice” means a Penalty Notice issued pursuant to section 9 of this By-law in respect of a contravention of a provision of a Designated By-law listed in Schedule “B” of this By-law;

“Officer” means a person appointed/authorized by the County to enforce a Designated By-law, or a police officer employed by the Ontario Provincial Police;

“Owner” means the Person whose name appears on the permit for the vehicle as provided by the Ontario Ministry of Transportation, and if the vehicle permit consists of a vehicle portion and a plate portion and different Persons are named on each portion, the Person whose names appears on the plate portion;

“Parking Penalty Notice” means a Penalty Notice issued pursuant to section 8 of this By-law in respect of a contravention of a provision of a Designated By-Law listed in Schedule “A” of this By-law;

“Penalty Notice” means a notice as described in this-By-law, and for greater certainty includes both a Non-Parking By-law Penalty Notice and a Penalty Notice;

“Penalty Notice Date” means the date of the contravention;

“Penalty Notice Number” means the reference number specified on the Penalty Notice that is unique to that Penalty Notice, pursuant to this By-law;

“Person” includes an individual, corporation, a partnership, an association or an authorized representative thereof;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P. 33;

“Regulation” means O. Reg. 333/07, made under the *Municipal Act, 2001* and any regulation enacted with respect to section 434.1 of the *Municipal Act, 2001*;

“Screening and Hearing Officer By-law” means a by-law of the County to appoint screening and hearing officers, as amended from time to time, or any successor thereof;

“Screening Decision” means a notice which contains the decision of a Screening Officer;

“Screening Officer” means any person appointed by the County from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a screening officer pursuant to this By-law;

“*Statutory Powers Procedure Act*” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22.

Application

4. The By-laws, or portions of 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.
5. The By-laws, or portions of By-laws, listed in the attached Schedule “B” of this By-law shall be Designated By-laws for the purposes of Section 434.1 of the *Municipal Act, 2001*.
6. Schedules “A” and “B” set out the Administrative Penalty and include short form wording to be used on Penalty Notices, for the contraventions of By-laws listed in Schedules “A” and “B”, respectively.

Administration

7. The *Clerk* may:
 - (a) designate areas within the County, or at another location, as approved, and determine times, for conducting reviews and hearings under this By-law;
 - (b) prescribe all forms, notices, including the Penalty Notice, guidelines, processes, policies, and procedures, necessary to implement the By-law and the administrative penalty system, and to amend such forms, notices, guidelines, policies, procedures, and processes from time to time as the Clerk deems necessary without amendment to this by-law; and
 - (c) 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 penalty system.

Penalty Notice – Parking

8. If a vehicle has been left parked, standing or stopped in contravention of a provision of a Designated By-Law listed in Schedule “A” the Owner of the vehicle shall, upon issuance of a Parking Penalty Notice in accordance with this By-Law, be liable to pay to the County an Administrative Penalty in the amount specified in Schedule “A”, and shall be liable to pay to the County any Administrative Fees in accordance with this By-Law.

Penalty Notice – Non-Parking By-law

9. If a Person is found to have contravened a provision of Designated By-Law listed in Schedule “B”, the Person shall, upon issuance of a Non-Parking By-law

Penalty Notice in accordance with this By-Law, be liable to pay to the County an Administrative Penalty in the amount specified in Schedule “B” and shall be liable to pay to the County any Administrative Fees in accordance with this By-Law.

10.

- (a) If a Person is found to have contravened the same provision of a Designated By-law listed in Schedule “B” for a second time within a twenty-four (24) month period commencing on the date that the first Non-Parking By-law Penalty Notice is deemed to be affirmed, the Person shall, upon issuance of a subsequent Non-Parking By-law Penalty Notice, be liable to pay an administrative penalty to the County in the amount of \$100 more than the amount specified in Schedule “B”, and shall be liable to pay to the County any Administrative Fees in accordance with this By-law.
- (b) If a Person is found to have contravened the same provision of a Designated By-law listed in Schedule “B” for a third time within a twenty-four (24) month period commencing on the date that the first Non-Parking Penalty Notice is deemed to be affirmed, the Person shall, upon issuance of a subsequent Non-Parking By-law Penalty Notice, be liable to pay an administrative penalty to the County in the amount of \$200 more than the amount specified in Schedule “B”, and shall be liable to pay to the County any Administrative Fees in accordance with this By-law.

Officer to Issue Penalty Notice

11. 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.

Penalty Notice – Information required

12. The Penalty Notice shall include the following information:
 - (a) the Penalty Notice Date;
 - (b) the Penalty Notice Number;
 - (c) the short form wording for the contravention listed in Schedule “A” (Parking) or Schedule “B” (Non-Parking By-law), as the case may be, which describes the particulars of the contravention;
 - (d) the amount of the Administrative Penalty;
 - (e) information respecting the process by which the person may pay the Administrative Penalty or request a review of the Administrative Penalty;

- (f) a statement advising that an Administrative Penalty, including any Administrative Fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the Owner or Person, to the County; and
- (g) the name or identification number of the Officer issuing the Penalty Notice.

Payment Deadline – Parking Penalty Notice

- 13. (a) Payment of an Administrative Penalty payable pursuant to a Parking Penalty Notice is due within thirty (30) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law.
- (b) Where an Owner or Person chooses to pay the Administrative Penalty within seven (7) business days of the effective date of service, the Owner may pay the Early Payment Amount set out in Schedule “A” of this By-law.
- (c) If the Owner or Person fails to make payment of the Administrative Penalty on or before payment due date set out in subsection (a), the Owner shall be liable to pay, in addition to the amount of the Administrative Penalty, the designated Late Payment Fee set out in Schedule “C” of this By-law.

Payment Deadline – Non-Parking Penalty Notice

- 14. (a) Payment of an Administrative Penalty payable pursuant to a Non-Parking By-law Penalty Notice is due within thirty (30) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law.
- (b) If the Person fails to make payment of the Administrative Penalty before payment due date set out in subsection (a), the Person shall be liable to pay, in addition to the amount of the Administrative Penalty, the designated Late Payment Fee set out in Schedule “C” of this By-law.

Review by Screening Officer

- 15. A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer within thirty (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.
- 16. 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 request a review for a period up to

thirty (30) days after the Penalty Notice due date.

17. In order to request a Screening Review pursuant to Section 15 or to request an extension of time to request Screening Review pursuant to Section 16, a Person shall, using the prescribed forms, deliver to the County written notice of the request that includes:
 - (a) the Penalty Notice Number;
 - (b) the Person's mailing address and, if applicable, telephone number, and e-mail address;
 - (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; and
 - (d) the Person's preference of the following options for a Screening Review meeting format:
 - (i) in-person;
 - (ii) by telephone;
 - (iii) remotely by videoconference; or
 - (iv) in writing.
18. Upon receipt of the request for review, the Screening Officer shall determine the format to be used for the review, including but not limited to in-person, by telephone, remotely by videoconference or in writing.
19. Written submissions to a Screening Officer relating to a scheduled screening review shall be submitted to the Screening Officer by 12:00 noon, one business day prior to the review.
20. Unless the screening review proceeds in writing, the Person shall be provided no fewer than seven (7) calendar days' notice of the date, time, and place of the Screening Review.
21. Unless the screening review proceeds in writing, if the Person fails to appear at the time and place scheduled for a screening review, or fails to remain at such place until the Screening Officer has made a Screening Decision respecting the Administrative Penalty,
 - (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 County a Screening Non-Appearance Fee as set out in Schedule "C".
22. Every Person who has requested a review by a Screening Officer shall be served with a copy of the Screening Decision within fifteen (15) calendar days of the Screening Review.
23. When dealing with a request to extend the time to request a screening review pursuant to Section 16, the Screening Officer may only extend the time to request a review of the Administrative Penalty where the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Screening Officer shall consider the request for extension before reviewing the Administrative Penalty.
24. 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.
25. 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 affirmed; and
 - (c) the Administrative Penalty, and any applicable Administrative Fees, shall not be subject to review.
26. On a review of an Administrative Penalty, the Screening Officer may:
- (a) affirm the Administrative Penalty (including any applicable Administrative Fees, or the Screening Officer); or
 - (b) cancel, reduce, or extend the time for payment of the Administrative Penalty (including any applicable Administrative Fees), on the following grounds:

- (i) in a review of a Parking Penalty Notice, 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;
- (ii) in a review of a Non-Parking By-law Penalty, where the Screening Officer is satisfied, on a balance of probabilities, that the Person did not contravene a Designated By-law as set out in the Penalty Notice.
- (iii) Where the Screening Officer is satisfied, on a balance of probabilities, that the cancellation, reduction, or extension of the time for payment of the Administrative Penalty, including any applicable Administrative Fees, is necessary to reduce any undue hardship.

27. 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.

Review by Hearing Officer

28. A Person may request a review by a Hearing Officer on or before the due and payable date for the Administrative Penalty listed in the Screening Decision.

29. If a Person has not requested a review hearing 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 appeal.

30. A Person's right to appeal the Screening Decision to a Hearing Officer, or request an extension of time to appeal, shall be exercised by giving to the County written notice of the request to appeal that includes:

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

31. Written notice of the request to appeal or to request an extension of time to appeal shall be provided by completing the Hearing Officer Appeal Form and delivering it to the County.
32. The Person shall be given at least thirty (30) calendar days notice of date, time, and place of the hearing of the appeal by the Hearing Officer.
33. If the Person fails to appear at the time and place scheduled for the hearing of the appeal:
 - (a) the Person shall be deemed to have abandoned the appeal;
 - (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 County a Hearing Non-Appearance Fee.
34. The Hearing Officer shall conduct hearings in an impartial manner and shall not make a determination with respect to a review of the Screening Decision where a Person appears unless he or she has given the Person an opportunity to be heard.
35. The Hearing Officer may only extend the time to appeal the Screening Decision where the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Hearing Officer will consider the request for extension before reviewing the Screening Decision.
36. Where an extension of time to appeal is not granted by the Hearing Officer, the Screening Decision shall be deemed to be affirmed, and shall not be subject to review.
37. Where neither an appeal hearing nor an extension of time to appeal are requested in accordance with this By-law, or where the person fails to appeal within any extended period of time granted by the Hearing Officer:
 - (a) the person shall be deemed to have waived the right to an appeal hearing;
 - (b) the Screening Decision shall be deemed to be affirmed; and
 - (c) the Screening Decision shall not be subject to review.
38. (a) On a review of a Screening Decision relating to a Parking Penalty Notice, the Hearing Officer may affirm the Screening Decision, or the

Hearing Officer may cancel, reduce, or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:

- (i) Where the Hearing Officer is satisfied, on a balance of probabilities, that the vehicle was not parked, standing, or stopped in contravention of the Designated By-law set out in the Penalty Notice; or
 - (ii) Where the Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction, or extension of the time for payment of the Administrative Penalty, including any Administrative Fees, is necessary to reduce any undue hardship in accordance with the undue hardship policy.
- (b) On a review of the Screening Decision relating to a Non-Parking By-law Penalty Notice, the Hearing Officer may affirm the Screening Decision, or the Hearing Officer may cancel, reduce, or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:
- (i) Where the Hearing Officer is satisfied, on a balance of probabilities, that the Person did not contravene a Designated By-law as set out in the Penalty Notice; or
 - (ii) Where the Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction, or extension of the time for payment of the Administrative Penalty, including any Administrative Fees, is necessary to reduce any undue hardship in accordance with the undue hardship policy.
39. 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.
40. 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 County an opportunity to be heard.
41. The hearing shall be subject to the *Statutory Powers Procedure Act*.
42. 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.

43. In addition to anything else that is admissible as evidence in accordance with the *Statutory Powers Procedure Act*, the materials referred to in Section 42 are admissible as evidence as proof of the facts contained therein, in the absence of evidence to the contrary.
44. If evidence referred to in Section 42 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.
45. The Person requesting the hearing shall be served with a copy of the Hearing Decision within fifteen (15) calendar days of the hearing review.
46. The decision of a Hearing Officer is final.
47. Where notice has been given in accordance with this By-law, and the person fails to appear at the time and place scheduled for a review by the Hearing Officer:
 - (a) the person shall be deemed to have abandoned the hearing;
 - (b) the Screening Decision shall be deemed to be affirmed; and
 - (c) the person shall pay to the County a Hearing Non-Appearance Fee, in addition to any other fees payable pursuant to this By-law.

Service of Documents

48. Service of a Parking Penalty Notice, in any of the following ways is deemed effective by:
 - (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 as set out on the ownership 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.
49. Service of a Non-Parking Penalty Notice, in any of the following ways is deemed effective by:

- (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 their last known address, as soon as reasonably practicable after the contravention;
 - (c) delivering it personally to an occupant at the last known address of the person named in the Penalty Notice, who appears to be at least 16 years of age, as soon as reasonably practicable after the contravention;
 - (d) sending it by email to an email address that the person to whom the Penalty Notice is directed has provided for the purpose of receiving electronic documents or at which the person is known to receive email communications. Service by email is effective only if the person provides a written response to the email.
50. Service of any document other than a Penalty Notice may be effected by:
- (a) in the case of a Screening Decision or Hearing Decision, by delivering it personally to the Person who requested the screening or hearing review;
 - (b) for any document, including a Screening Decision or Hearing Decision:
 - (i) delivering it personally to an occupant at the last known address of the Owner or Person named in the Penalty Notice, who appears to be at least 16 years of age; or
 - (ii) delivering it by regular mail to the Owner or Person named in the Penalty Notice, at their last known address; or
 - (iii) by email to the email address provided by the Owner or Person named in the Penalty Notice.
51. For purposes of this By-Law, the last known address of the Owner shall be the address as set out on the vehicle ownership or, where an updated address has been provided in writing by the Owner to the By-law Enforcement Division of the County at the time of service, such updated address.
52. Any Penalty Notice or document sent in writing to the Owner or Person named in the Penalty Notice, by regular mail, as set out in this By-Law, is deemed to have been served on the fifth (5th) calendar day after the date of mailing.

53. Any Penalty Notice affixed to the vehicle to which it applies, or any Penalty Notice or document delivered personally in accordance with this By-Law, is deemed to have been served on the date and time of such delivery.
54. Service on a Person who is not the Owner, in accordance with this By-Law, including service of a Screening Decision or Hearing Decision by handing it to the Person, shall be deemed to be service on the Owner.
55. Where the Person served with a Penalty Notice or issued a Screening Decision is not the Owner, the Owner may exercise any right that such Person may exercise under this By-law.
56. Service of a document on the County may be made by:
 - (a) sending it by regular or registered mail to the County of Brant By-law Enforcement Office;
 - (b) sending a copy by email to the email address indicated on the Penalty Notice; or
 - (c) by delivering it personally to the County of Brant By-Law Enforcement Office.

General Provisions

57. A Penalty Notice that is paid prior to a screening review shall be deemed to be final and will not be subject to screening, unless there is an error on the face of the Penalty Notice as determined by the Clerk.
58. Where an Administrative Penalty, including any Administrative Fees, is affirmed, or reduced by a Screening Officer or a Hearing Officer, the Administrative Penalty and any Administrative Fees shall be due and payable on the date specified in the Screening Decision or Hearing Decision, as the case may be.
 - (a) Subject to subsection (b), where an Administrative Penalty issued pursuant to a Parking Penalty Notice is not paid within thirty (30) calendar days of the Effective Date of Service, the Owner of the vehicle in respect of which the Penalty Notice was issued, shall pay to the County an MTO Search Fee as set out in Schedule "C" to this By-law.
 - (b) Where an Administrative Penalty issued pursuant to a Parking Penalty Notice is not paid within fifteen (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 County, in addition to any other fees, a Late Fee, as set out

in Schedule "C" to this By-law.

59. Where an Administrative Penalty issued pursuant to a Parking Penalty Notice and any Administrative Fees are not paid within fifteen (15) calendar days after they become due and payable, the County may:
 - (a) notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person name in the default notice nor issue a new permit to that person, in respect of the vehicle to which the Administrative Penalty and Administrative Fees apply, until the penalty is paid, and the Owner of the vehicle in respect of which the Penalty Notice was issued shall, in addition to any other fees, pay to the County a Plate Denial Fee; and
 - (b) pursue any other collection mechanisms available to the County pursuant to the Regulation or law.
60. Where a person provides a method of payment to the County for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, the Owner shall, in addition to any other fees, be liable to pay to the County a Non-Sufficient Funds (NSF) Fee in accordance with the Fees and Charges By-law as amended.
61. All amounts due and payable to the County pursuant to this By-law constitute a debt to the County.
62. 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 Administrative Penalty will not be subject to the Late Payment Fee or the MTO Search Fee, until the time for payment has expired, and then in accordance with the provisions herein; and
 - (b) the enforcement mechanisms available to the County shall be suspended until the extension of time has expired, and then shall apply in accordance with the provisions herein.
63. Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Administrative Fee is also cancelled.
64. 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 County shall refund the amount cancelled or reduced.

65. Where the Person served with a Non-Parking By-law Penalty Notice or issued a Screening Decision is not the Owner, the Owner may exercise any right that such Person may exercise under this By-law.
66. No Officer may accept payment in respect of an Administrative Penalty or Administrative Fee.
67. Payments of an Administrative Penalty or Administrative Fee must be received by the date on which they are due and payable, or any extended due date in accordance with this By-law and will not be credited until received by the County.
68. Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

Severability

69. 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, 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.

Offences

70. 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 and/or respecting a Power of Decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except:
 - (a) a Person who is entitled to be heard in the proceeding or the Person's lawyer, licensed paralegal, or authorized representative; and
 - (b) only by that Person or the Person's lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arise.
71. Nothing in Section 70 prevents a Screening Officer or a Hearing Officer from seeking or receiving legal advice.
72. Any Person, who:
 - (a) makes a false, misleading, or fraudulent statement in relation to a Penalty Notice, or on any form submitted to the County in relation to a Penalty

Notice;

- (b) obstructs an Officer exercising any authority under this By-law; or
- (c) contravenes Section 70 of this By-law,

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

Short Title

73. This By-law may be cited as the “Administrative Penalty By-law”.

Schedules and Effective Date

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

- (a) Schedule “A” – Designated By-laws and Penalties – Parking
- (b) Schedule “B” – Designated By-laws and Penalties – Non-Parking By-laws
- (c) Schedule “C” – Administrative Fees

75. This By-law shall come into force and effect upon the execution and delivery of the Authorized Requester Agreement between the Corporation of the County of Brant and the Ontario Ministry of Transportation being an agreement governing the processing of Administrative Penalties for municipal parking violations.

READ for a first and second time on this this day of ____, 2024.

READ and third time and enacted by Council this ___ day of ____, 2024.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk

Schedule "A"

Administrative Monetary Penalty System - Parking

Designated By-law, Short Form Wordings and Administrative Penalties

1. The provisions of each by-law listed in Column 3 of the following tables are Designated By-laws.
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 2.
3. Column 5 in the following table sets out the Administrative Penalty Amount that is payable for a contravention of the designated provision listed in Column 3 for the matter(s) identified in Column 2.
4. The penalties shown in Column 4 below set out the Administrative Penalty Amount that is payable for contraventions of the designated provisions in cases where payment is made to the County within Early Payment Amount timeline set out in this by-law

BY-LAW #004-19				
COUNTY OF BRANT PARKING BY-LAW				
Column 1 Item	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Early Payment Amount	Column 5 Set Penalty Amount
1	Failure to park in compliance with parking control device	4	\$25.00	\$35.00
2	Park vehicle – contrary to direction of travel	5 (a)	\$20.00	\$25.00
3	Park vehicle – over 0.15 metres from curb	5 (b)	\$20.00	\$25.00
4	Park vehicle – wheels not parallel to curb	5 (b)	\$20.00	\$25.00
5	Park vehicle –wheels not parallel to right hand limit of highway	5 (b)	\$20.00	\$25.00
6	Park vehicle improper angle	6	\$20.00	\$25.00
7	Park vehicle outside designated parking space	7	\$20.00	\$25.00
8	Park vehicle obstruct sidewalk	8 (a) (i)	\$30.00	\$45.00
9	Park vehicle obstruct crosswalk	8 (a) (ii)	\$30.00	\$45.00

10	Park vehicle within 1.5 metres of entrance to highway	8(a)(iii)	\$25.00	\$35.00
11	Park vehicle obstruct traffic	8(a)(iv)	\$30.00	\$45.00
12	Park vehicle obstruct road repairs	8(a)(iv)	\$30.00	\$45.00
13	Park vehicle obstruct maintenance	8(a)(iv)	\$30.00	\$45.00
14	Park vehicle obstruct snow removal	8(a)(iv)	\$30.00	\$45.00
15	Park vehicle within 3 metres fire hydrant	8 (b)	\$40.00	\$55.00
16	Park vehicle within 100 metres bridge	8 (c)	\$25.00	\$35.00
17	Park vehicle within 6 metres public entrance to Hotel	8 (d)(i)	\$25.00	\$35.00
18	Park vehicle within 6 metres public entrance to Theatre	8 (d)(ii)	\$25.00	\$35.00
19	Park vehicle within 6 metres public entrance Public Hall	8 (d)(iii)	\$25.00	\$35.00
20	Park vehicle within 9 metres intersection	8 (e)	\$25.00	\$35.00
21	Park vehicle within 15 metres signalised intersection	8 (f)	\$25.00	\$35.00
22	Park vehicle within 15 metres level railway crossing	8 (g)	\$25.00	\$35.00
23	Park vehicle prevent removal of previously parked vehicle	8 (h)	\$20.00	\$25.00
24	Parked vehicle in excess of 24 hours	8 (i)	\$35.00	\$45.00
25	Park vehicle on boulevard, not improve for parking purposes	8 (j)	\$25.00	\$35.00
26	Park unlicensed vehicle	8(k)	\$35.00	\$45.00
27	Park vehicle having tire(s) off apron			
28	Park vehicle off apron on landscaped boulevard	8.1(a)	\$25.00	\$35.00
29	Park vehicle off apron on hardscaped boulevard	8.1(a)	\$25.00	\$35.00
30	Park vehicle off apron on grassy portion of boulevard	8.1(a)	\$25.00	\$35.00
31	Park vehicle on apron overhang sidewalk	8.1(b)	\$25.00	\$35.00
32	Park vehicle on apron overhang roadway	8.1(b)	\$25.00	\$35.00
33	Park vehicle on apron overhang curblines	8.1(b)	\$25.00	\$35.00

34	Park vehicle on apron not parallel to roadway	8.1(c)	\$25.00	\$35.00
35	Park vehicle on apron contrary to direction of traffic	8.1(d)	\$25.00	\$35.00
36	Park vehicle on shared apron	8.2	\$25.00	\$35.00
37	Park vehicle on apron abut another apron	8.2	\$25.00	\$35.00
38	Park vehicle on apron without consent of owner	8.3	\$25.00	\$35.00
39	Park vehicle on apron without consent of occupant	8.3	\$25.00	\$35.00
40	Parked oversized vehicle over 2 hours	10	\$30.00	\$45.00
41	Park unattached trailer – highway / municipal lot	11	\$30.00	\$45.00
42	Stop vehicle near entrance to fire hall	12	\$205.00	\$305.00
43	Stop vehicle when prohibited	13	\$40.00	\$55.00
44	Park vehicle when prohibited	14	\$30.00	\$45.00
45	Park vehicle during posted prohibited day or time	15	\$25.00	\$35.00
46	Park vehicle over time limit	16	\$20.00	\$25.00
47	Stop vehicle school bus loading zone	18	\$40.00	\$55.00
48	Park vehicle on highway during Significant Weather Event	19	\$35.00	\$45.00
49	Unauthorized parking– Loading Zone	20	\$25.00	\$35.00
50	Unauthorized stopping– Loading Zone	20	\$25.00	\$35.00
51	Park vehicle over time limit – municipal lot	21	\$20.00	\$25.00
52	Park oversized vehicle – municipal lot over 2 hours	22	\$30.00	\$45.00
53	Park on municipal property without consent	25	\$25.00	\$35.00
54	Park accessible parking space without accessible parking permit	27	\$300.00	\$300.00
55	Park posted fire route	30	\$40.00	\$55.00
56	Park in municipal permit only area without a permit	32(b)	\$95.00	\$110.00
57	Park in private permit parking lot without a permit	34	\$30.00	\$45.00
58	Park in private parking lot contrary to posted restrictions	35	\$30.00	\$45.00

SCHEDULE "B"

**DESIGNATED BY-LAWS, SHORT FORM WORDINGS AND ADMINISTRATIVE
PENALTIES – NON-PARKING BY-LAWS**

Schedule B to be enacted by Council on a date to be determined

SCHEDULE "C"
ADMINISTRATIVE FEES

ITEM	FEE
Service by Mail Fee	\$12
Late Payment Fee (Parking By-law Contraventions)	\$25
MTO Search Fee (Parking By-law Contraventions)	\$11
Plate Denial Fee (Parking By-law Contraventions)	\$25
Screening Non-Appearance Fee	\$25
Hearing Non-Appearance Fee	\$50
Late Payment Fee (Non-Parking By-law Contraventions)	25% of administrative penalty
Land Title Search Fee (Non-Parking By-law Contraventions)	\$35
Title Deed Fee (Non-Parking By-law Contraventions)	\$20
Corporate Search Fee (Non-Parking By-law Contraventions)	\$35