



BY-LAW NO. 2022-0002

A By-law to establish a System of Administrative Penalties

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") authorize the Corporation of the Town of Halton Hills to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS section 102.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS the Province adopted the "Administrative Penalties" regulation, O. Reg. 333/07 pursuant to the *Municipal Act, 2001* which applies to administrative penalties in respect of the parking, standing or stopping of vehicles;

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

AND WHEREAS the Town of Halton Hills will designate portions of the Town's Off-Street Parking By-law 2005-0117, as amended, and the Town's Fire Route By-law 2014-0014, as amended, that deal with parking, standing or stopping of vehicles, to be applicable to the administrative penalty system established through this By-law;

AND WHEREAS the Town of Halton Hills considers it desirable to have one administrative penalty system for all by-laws to which administrative penalties may apply and may designate other by-laws to be applicable to the administrative penalty system established through this By-law;

AND WHEREAS the Town of Halton Hills considers it desirable to enforce and seek compliance with the designated by-laws, or portions of by-laws, through the administrative penalty system;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

PART 1 – SHORT TITLE

1. This By-law may be referred to as the "Administrative Penalty By-law".

PART II – DEFINITIONS

2. For the purposes of this By-law:

"Administrative Fee" means any fee specified in this by-law and listed in Schedule "C":

"Administrative Penalty" means a monetary penalty as set out in Schedules "A", "B", "C" and "D" to this By-law for a contravention of a Designated By-law;

"By-law" means this by-law and any schedule to this by-law as they may be amended from time to time;

“Clerk” means the Clerk for the Town, or his or her designate;

“Council” means the elected Council of the Town of Halton Hills;

“Day” means calendar day;

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

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

“Hearing Non-appearance Fee” means an Administrative Fee from time to time established by Council 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 “C”;

“Hearing Officer” means a person from time to time appointed by Council pursuant to the Screening and Hearing Officer By-law;

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

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

“MTO Search Fee” means an Administrative Fee from time to time established by Council in respect of searching records of the Ontario Ministry of Transportation and listed in Schedule “C”;

“NSF Fee” means an Administrative Fee from time to time established by Council in respect of a demand for payment received by the Town from a Person of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, and listed in Schedule “C”;

“Officer” means each of:

- (a) a Municipal Law Enforcement Officer or other person appointed by or under the authority of a Town By-law to enforce a Designated By-law, and
- (b) A police officer employed by Halton Regional Police, the Ontario Provincial Police or the Royal Canadian Mounted Police.

“Owner” means the person whose name appears on the permit for the vehicle and if the vehicle permit consists of a vehicle portion and plate portion and different persons are named on each portion, the person whose name appears on the plate portion.

“Penalty Notice” means a notice given to a Person pursuant to section 5 of this By-law;

“Penalty Notice Date” means the date of the contravention specified on the Penalty Notice pursuant to subsection 7(B);

“Penalty Notice Number” means the number specified on the Penalty Notice pursuant to subsection 7(c);

“Person” includes a corporation, partnership or limited partnership;

“Regulation” means the Administrative Penalties, Ontario Regulation 333/07;

“Request for Review by Hearing Officer” means the form attached to the Notice of Decision which may be filed by a Person under section 21 of this By-law;

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

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

“Screening Officer” means a person from time to time appointed pursuant to the Screening and Hearing Officer By-law.

PART III – DESIGNATED BY-LAWS

3. Town By-law or portions of Town By-laws, that are listed in Schedules “A”, “B” and “D” to this By-law shall be Designated By-laws and are hereby designated for the purposes of section 3(1)(b) of the Regulation and the provisions of this By-law shall apply to any contravention of a Designated By-law. Schedules “A”, “B”, and “D” shall set out the short form wording to be used for the contraventions of Designated By-laws and also set out the Administrative Penalties imposed for the contraventions.

4. The *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, does not apply to a contravention of a Designated By-law.

PART IV – PENALTY NOTICE

5. Every Person who if the Owner of a vehicle parked, stopped or standing in contravention of a Designated By-law shall upon issuance of a Penalty Notice, be liable to pay the Town an Administrative Penalty in the amount specified in Schedule “A”, “B” and “D”.

6. An Officer who has reason to believe that a vehicle has been left parked, standing or stopped in contravention of a Designated By-law may issue a Penalty Notice as soon as reasonably practicable.

7. A Penalty Notice shall include the following information:

- (a) the vehicle license plate number or vehicle identification;
- (b) the Penalty Notice Date;
- (c) a number that is unique to the Penalty Notice;
- (d) the contravention wording listed in Schedule “A”, “B” and “D”, which describes the particulars of the contravention;
- (e) the amount of the Administrative Penalty;
- (f) such information as the Clerk determines is appropriate respecting the process by which the Person may exercise the Person’s right to request a review of the Administrative Penalty;
- (g) a statement advising that an Administrative Penalty, including any Administrative Fee, will, unless cancelled or reduced pursuant to a review constitute a debt of a Person to the Town; and
- (h) the name and identification number of the Officer.

8. In addition to service methods provided for in section 33(1), an Officer may serve the Penalty Notice on a Person who is the Owner of a vehicle, where the vehicle is identified in the Penalty Notice, by;

- (a) affixing it to the vehicle in a conspicuous place at the time of the alleged infraction;
or
- (b) by delivering it personally to the Person having care and control of the vehicle at the time of the alleged infraction.

9. No Officer may accept payment of an Administrative Penalty.

10. Unless a review has been requested in accordance with section 11, or a request for an extension of time to request a review has been made and granted in accordance with

sections 12 and 13,

- (a) the amount set out in the Penalty Notice is due and payable within 15 days of the Penalty Notice Date; and
- (b) if Owner who is served with a Penalty Notice does not provide full payment within 15 days of the Penalty Notice Date, the Owner shall pay to the Town an MTO Search Fee.

PART V – REVIEW BY A SCREENING OFFICER

11. An Owner who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so within 15 days after the Penalty Notice Date.

12. If an Owner has not requested a review within the time limit set out in section 11, an Owner may request that the Screening Officer extend the time to request a review within 45 days after the Penalty Notice Date. The Owner's right to request an extension of time expires if it has not been exercised within 45 days after the Penalty Notice Date at which time;

- (a) the Owner shall be deemed to have waived the right to request a review;
- (b) the Administrative Penalty shall be deemed to be affirmed, due and payable on the 16th day after the Penalty Notice Date; and
- (c) the Administrative Penalty shall not be subject to any further review.

13. An Owner's right to request a review under section 11 or an extension of time under section 12 is exercised by:

- (a) electronically submitting a completed request for screening or extension of time form, as the case may be, available at the Town's Administrative Penalty web page; or
- (b) attending in person at the location listed in the Penalty Notice to complete a request for screening or extension of time form.

14. A review or a request for an extension of time to request a review shall only be scheduled by the Town if the Owner has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 11 or 12.

15. For the purposes of section 12,

- (a) the Screening Officer may only extend the time to request a review of an Administrative Penalty where the Owner demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time; and
- (b) where the extension of time is not granted by the Screening Officer, the decision of the Screening Officer is final and not subject to any further review, and the Administrative Penalty is deemed to be affirmed, due and payable on the 16th day after the Penalty Notice Date .

16. Where an Owner fails to attend at the time and place scheduled for a review:

- (a) the Owner shall be deemed to have abandoned the request for a review of the Administrative Penalty;
- (b) the Administrative Penalty as set out in the Penalty Notice shall be deemed to be affirmed, due and payable on the 16th day after the Penalty Notice and is not subject to any further review; and
- (c) the Owner shall pay to the Town a Screening Non-appearance Fee.

17. On a review of the Administrative Penalty, the Screening Officer may affirm the Administrative Penalty, or the Screening Officer may cancel, vary or extend the time for

payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:

- (a) where the Owner establishes on a balance of probabilities, that the vehicle was not parked, standing or stopped contrary to the Designated By-law as described in the Penalty Notice; or
- (b) where the Owner establishes on a balance of probabilities that the reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee, is necessary to relieve any undue hardship.

18. After a review has been held, the Screening Officer shall deliver a Screening Decision to the Owner. Unless stated otherwise in the Screening Decision any Administrative Penalty that has been affirmed or varied shall be deemed to include the MTO Fee set out in Schedule "C" and shall be due and payable on the 5th day following delivery of the Screening Decision.

PART VI – REVIEW BY A HEARING OFFICER

19. An Owner may request a review of a Screening Decision by a Hearing Officer and shall do so within 15 days after the Screening Decision has been delivered to the Person.

20. If an Owner has not requested a review within the time limit set out in section 19, an Owner may request that the Hearing Officer extend the time to request a review within 30 days of the Screening Decision being delivered to the Owner. An Owner's right to request an extension of time expires if it has not been exercised within 30 days after the Screening Decision has been delivered at which time:

- (a) the Owner shall be deemed to have waived the right to request a hearing;
- (b) the Screening Decision and the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be affirmed and due and payable as of the date of the Screening Decision; and
- (c) the Screening Decision and the Administrative Penalty shall not be subject to and further review.

21. An Owner's right to request a review under section 19 or an extension of time under section 20 is exercised by:

- (a) electronically submitting a completed request for review of a Screening Decision or extension of time form available at the Town's Administrative Penalty web page; or
- (b) attending in person at the location listed at the Town's administrative offices to complete a request for review of a Screening Decision or extension of time form.

22. A review or a request for an extension of time to request a review shall only be scheduled by the Town if the Owner has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 19 or 20.

23. For the purposes of section 20:

- (a) the Hearing Officer may only extend the time to request a review of a Screening Decision where the Owner demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time; and
- (b) where the extension of time is not granted by the Hearing Officer, the decision of the Hearing Officer is final and not subject to any further review; and
- (c) where an extension of time is not granted by the Hearing Officer the Screening Decision and Administrative Penalty, if applicable as modified in the Screening Decision, are deemed to be affirmed, due and payable as of the date of the Screening Decision and not subject to further review.

24. A Hearing Officer shall not make any decision respecting a review of a Screening Decision unless the Hearing Officer has given the Owner and the Town an opportunity to be heard at the time and place scheduled for the hearing of the review.

25. Where an Owner fails to attend at the time and place scheduled for a review by the Hearing Officer:

- (a) the Owner shall be deemed to have abandoned the request for a review of the Screening Decision;
- (b) the Screening Decision and the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be final and are not subject to any further review;
- (c) the Administrative Penalty, as modified in the Screening Decision (if applicable), is deemed to be affirmed, due and payable on the date the Screening Decision was delivered to the Owner; and
- (d) the Owner shall pay to the Town a Hearing Non-Appearance Fee.

26. On a review of a Screening Decision, the Hearing Officer may affirm the Screening Decision or the Hearing Officer may cancel, vary or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:

- (a) where the Owner establishes a balance of probabilities, that the vehicle was not parked, standing or stopped contrary to the Designated By-law as described in the Penalty Notice; or
- (b) where the Owner establishes on a balance of probabilities, that the reduction or extension of time for payment of the Administrative Penalty including any Administrative Fee, is necessary to relieve any undue hardship.

27. All hearings conducted by the Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.

28. After a hearing is complete, the Hearing Officer shall deliver to the Owner a Decision of a Hearing Officer. Unless stated otherwise in the Decision of the Hearing Officer any Administrative Penalty has been affirmed or varied shall be deemed to include the MTO Fee set out in Schedule "C" and shall be due and payable on the 5th day following the delivery of the Decision of the Hearing Officer.

29. Any decision by a Hearing Officer is final and not subject to further review.

30. Neither a Screening Officer nor a Hearing Officer has jurisdiction 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.

PART VII – ADMINISTRATION OF THE BY-LAW

31. The Clerk shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law and may amend such practices, policies and procedures from time to time as the Clerk deems necessary.

32. The Clerk shall prescribe all forms and notices, including the Penalty Notice, necessary to implement the By-law and may amend such forms and notices from time to time as the Clerk deems necessary.

PART VIII – SERVICE OF DOCUMENTS

33. (1) Service or delivery of any document or notice, including a Penalty Notice, respecting this By-law may be given in writing in any of the following ways and is effective:

- (a) when a copy is delivered to the Person to whom it is addressed;
- (b) on the fifth day after a copy is sent by registered mail or by regular letter mail to the Person's last known address;
- (c) upon the sending a copy by email transmission to the Person's last known e-mail address.

(2) For the purposes of subsection 33(1)(b) and (c), a Person's last known address and email address may include an address and e-mail provided by the Person to the Town as

may be required by a form, practice or policy developed under this By-law.

PART IX – GENERAL PROVISIONS

34. An Administrative Penalty, including any Administrative Fees, that is due and payable constitutes a debt to the Town owed by the Owner for whom the Penalty Notice was given.

35. Where an Administrative Penalty is not paid within 15 days after it becomes due and payable, the Owner to whom the Penalty Notice was served shall pay to the Town a Late Payment Fee.

36. Where an Administrative Penalty is not paid within 30 days after it becomes due and payable, the Town may notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person named in the default notice nor issue a new permit to that person until the penalty is paid.

37. Where a person provides a demand for payment to the Town for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, shall pay to the Town an NSF Fee.

38. Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Administrative Fee is also cancelled.

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

40. Any review or hearing provided for in this by-law may proceed by electronic means as determined in the sole discretion of the Clerk and any reference in this by-law to the time and place of the review or hearing shall be deemed to include the time and electronic location of the electronic review or hearing.

41. Any schedule attached to this By-law forms part of this By-law.

PART X – VALIDITY

42. This By-law shall come into force on June 1st, 2022.

43. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of the By-law be applied and enforced in accordance with its terms to the extent possible according to law.

BY-LAW read and passed by the Council for the Town of Halton Hills this 17th day of January, 2022.

Originally Signed By:

MAYOR – RICK BONNETTE

Originally Signed By:

TOWN CLERK – VALERIE PETRYNIAK

SCHEDULE "A"

TOWN OF HALTON HILLS ADMINISTRATIVE PENALTY BY-LAW DESIGNATED BY-LAW PROVISIONS UNIFORM TRAFFIC CONTROL BY-LAW 1984-0001

1. For the purposes of section 3 of this By-law, Column 1 in the following table lists the provisions in the Uniform Traffic Control By-law 1984-0001, as amended that are hereby designated for the purposes of 3(1)(b) of the Regulation.
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 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

By-law 1984-0001 – Uniform Traffic Control			
Item	Short Form Wording	Section	Set Fine \$
1.	Park facing wrong way on street	5(1)(a)	\$30.00
2.	Park with right wheels more than 0.15 metres from curb	5(1)(a)	\$20.00
3.	Stop facing wrong way on street	5(1)(a)	\$30.00
4.	Stop with right wheels more than 0.15 metres from curb	5(1)(a)	\$20.00
5.	Park wrong way- one way street	5(1)(b)	\$30.00
6.	Park more than 0.15 metres from curb- one way street	5(1)(b)	\$20.00
7.	Park at wrong angle	5(1)(c)	\$30.00
8.	Double parked on roadway	5(1)(d)	\$40.00
9.	Park outside designated parking space markings	5(1)(e)	\$20.00
10.	Park on sidewalk	5(2)(a)(i)	\$30.00
11.	Park on boulevard	5(2)(a)(ii)	\$30.00
12.	Park on median strip	5(2)(a)(iii)	\$30.00
13.	Park on island	5(2)(a)(iv)	\$30.00
14.	Park within 1 metre of driveway	5(2)(a)(v)	\$30.00
15.	Park within 3 metres of public lane	5(2)(a)(vi)	\$30.00
16.	Park within 3 metres of fire hydrant	5(2)(a)(vii)	\$100.00
17.	Park obstructing emergency entrance	5(2)(a)(ix)	\$100.00
18.	Park obstructing traffic	5(2)(a)(x)	\$40.00
19.	Park obstructing road repair	5(2)(a)(x)	\$40.00
20.	Park obstructing snow removal	5(2)(a)(x)	\$50.00
21.	Park vehicle for sale on highway	5(2)(a)(xi)	\$30.00
22.	Park or leave motor vehicle unlocked while unattended	5(2)(c)	\$50.00
23.	Park – no parking posted	5(3)(a)	\$30.00
24.	Parking longer than 6 hours	5(4)(a)	\$20.00
25.	Park in prohibited area	5(4)(b)	\$30.00
26.	Stop within 6 metres of crosswalk	5(8)(a)(i)	\$30.00
27.	Stop within 25 metres of signalized intersection	5(8)(a)(ii)	\$30.00
28.	Stop within 3 metres of fire hydrant	5(8)(a)(iii)	\$100.00
29.	Stop adjacent to median strip	5(8)(a)(v)	\$30.00
30.	Stop adjacent to island	5(8)(a)(v)	\$30.00
31.	Stop in divided highway	5(8)(a)(vi)	\$30.00
32.	Stop within 15 metres of bus stop	5(8)(a)(vii)	\$30.00
33.	Stop within 100 metres of bridge	5(8)(a)(viii)	\$30.00
34.	Stop in school bus loading zone	5(8)(a)(ix)	\$30.00
35.	Stop within 3 metres of railway crossing	5(8)(a)(x)	\$30.00
36.	Stop – no stopping posted	5(9)(a)	\$50.00
37.	Stop in prohibited area	5(10)	\$40.00
38.	Stop in Loading Zone	5(12)	\$20.00
39.	Park overnight	5(13)	\$30.00
40.	Park commercial motor vehicle on highway	5(2)(b)(i)	\$100.00
41.	Park in a designated disabled person parking space	5(12)(a)	\$350.00

SCHEDULE “B”

**TOWN OF HALTON HILLS ADMINISTRATIVE PENALTY BY-LAW
DESIGNATED BY-LAW PROVISIONS
FIRE ROUTE BY-LAW 2014-0014**

1. For the purposes of section 3 of this By-law, Column 1 in the following table lists the provisions in the Fire Route By-law 2014-0014, as amended that are hereby designated for the purposes of 3(1)(b) of the Regulation.
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 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

By-law 2014-0014 – Fire Route			
Item	Short Form Wording	Section	Set Fine \$
1.	Park in a designated fire route	11	\$100.00
2.	Stop in a designated fire route	12	\$100.00

SCHEDULE "C"

**TOWN OF HALTON HILLS ADMINISTRATIVE PENALTY BY-LAW
ADMINISTRATIVE FEES**

ITEM	FEE
Hearing Non-appearance Fee	\$100.00
Late Payment Fee	\$25.00
MTO Search Fee	\$10.00
NSF Fee	\$40.00
Screening Non-appearance Fee	\$ 50.00

Note:

The fees and charges as listed in this Schedule "C" to this By-law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.

SCHEDULE “D”

**TOWN OF HALTON HILLS ADMINISTRATIVE PENALTY BY-LAW
DESIGNATED BY-LAW PROVISIONS
OFF-STREET PARKING BY-LAW 2005-0117**

1. For the purposes of section 3 of this By-law, Column 1 in the following table lists the provisions in the Off-Street Parking By-law 2005-0117, as amended that are hereby designated for the purposes of 3(1)(b) of the Regulation.
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 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

By-law 2005-0117 – Off Street Parking			
Item	Short Form Wording	Section	Set Fine \$
1.	Fail to display valid parking permit	7	\$25.00
2.	Park on municipal parking lot (in prohibited area, without authorization)	8	\$25.00
3.	Park in municipal parking lot between 2:00 a.m. and 6:00 a.m.	9(a)	\$25.00
4.	Park not wholly within parking lot space	9(b)	\$25.00
5.	Park vehicle without valid plate	9(c)	\$25.00
6.	Park vehicle for repair in municipal parking lot	10(b)	\$25.00
7.	Park on private property without consent	11(a)	\$40.00
8.	Park on property (owned, occupied) by a (public authority, local board) without consent	11(b)	\$40.00
9.	Park on private property not wholly within parking lot space	11(c)	\$40.00
10.	Park in a designated disabled person parking space (without valid permit, with permit improperly displayed)	20	\$350.00