



# Corporation of the Town of Newmarket

## By-law 2024-16

A By-law to operate the Administrative Monetary Penalty System in the Town of Newmarket.

**Whereas** Section 102.1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (the Municipal Act”) and Ontario Regulation 333/07 authorize the Corporation of the **Town** of Newmarket (the “**Town**”) to require a **Person** to pay an **Administrative Penalty** for a **Contravention** of any By-law respecting the parking, standing or stopping of vehicles;

**And Whereas** Ontario Regulation 355/22 under the *Highway Traffic Act R.S.O. 1990, c. H. 8*, as amended, (the “Highway Traffic Act”) authorizes the use of **Administrative Penalties** for vehicle-based **Contraventions** captured by automated enforcement systems;

**And Whereas** Section 434.1 of the *Municipal Act* authorizes the **Town** 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** Sections 23.1, 23.3 and 23.5 of the *Municipal Act* authorize the **Town** to delegate its administrative and hearing powers;

**And Whereas** Section 391 of the *Municipal Act* authorizes the **Town** to pass By-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

**And Whereas** Section 398 of the *Municipal Act* authorizes the **Town** to impose a fee or charge as a debt owing to the **Town** and can be added to the tax rolls and collected in the same manner as taxes;

**And Whereas** the Council for the **Town** considers it desirable and necessary to provide for a system of **Administrative Penalties** and **Administrative Fees** for the designated **Town** By-laws;

**Therefore** be it enacted by the Council of the Corporation of the **Town** of Newmarket as follows:

### 1. Title

This By-law may be known and cited for all purposes as the “Administrative Monetary Penalty System By-law 2024-16”.

### 2. Definitions

In this By-law:

“**Administrative Fee**” means any fee specified in Ontario Regulation 355/22 under the *Highway Traffic Act*, or this By-law, as amended;

“**Administrative Penalty**” means a monetary penalty, issued by means of a **Penalty Notice** or **Penalty Order**, as set out in this By-law for a **Contravention** of a **Designated By-law** or the *Highway Traffic Act*;

“**Administrative Penalty Number**” means the identifying number specified on the **Penalty Notice** or **Penalty Order** that is unique to that **Administrative Penalty**;

**“Appellant”** means a **Person** that has received an **Administrative Penalty** imposed by the **Town** and chooses to **Appeal** the **Administrative Penalty** by having it reviewed by a **Screening Officer** or a **Hearing Officer**;

**“Appeal”** means either a screening review or hearing review of an **Administrative Penalty** requested within the prescribed period of time and issued in accordance with this By-law or the *Highway Traffic Act*;

**“Contravention”** means the failure to comply with a provision listed in Schedule “A” or Schedule “B” of this By-law, or the *Highway Traffic Act*;

**“Designated By-law”** means a By-law, or a part or provision of a By-law, that is listed in the attached Schedule “A” or Schedule “B” of this By-law;

**“Director”** means the Director of Legislative Services or their designate;

**“Early Payment”** means a twenty five percent (25%) discount for **Early Payment** in accordance with Section 5.(4)(a) of this By-law that is payable for **Contraventions** listed in Schedule “A” or Schedule “B” of this By-law;

**“Fail to Attend Fee”** means an **Administrative Fee** listed in Schedule “C” applied for the purpose of the **Town** recovering the administrative costs associated with a **Person’s** failure to attend a scheduled screening or hearing, electronically or by other means, at the date and time set by a **Screening Officer** or **Hearing Officer**;

**“Hearing Officer”** means a **Person** appointed by the **Town** who performs the duties of a **Hearing Officer** in accordance with this By-law, Ontario Regulation 355/22 under the *Highway Traffic Act*, and pursuant to the **Town’s Hearing Officer** policies;

**“Issuing Officer”** includes members of York Regional Police Services, Municipal Enforcement Officers, Property Standards Officer, Business Licensing Officers, Provincial Offences Officers, and any other **Person** authorized by the **Town** to enforce this By-law;

**“Late Payment”** means a twenty five percent (25%) surcharge for **Late Payment** in accordance with Section 5.(4)(c) of this By-law that is payable for **Contraventions** listed in Schedule “A” or Schedule “B” of this By-law;

**“Penalty Notice”** means a ticket issued pursuant to Section 5. of this By-law, in relation to a **Contravention** of a **Designated By-law**;

**“Penalty Order”** means a ticket issued pursuant to Section 6. of this By-law and the *Highway Traffic Act*, in relation to **Contraventions** detected using automated camera systems;

**“Person”** includes an individual or business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, to whom the context can apply according to law;

“**Plate Search Fee**” means an **Administrative Fee** listed in Schedule “C” applied for the purpose of the **Town** recovering the costs associated with searching a license plate database to obtain the name and most recent address of the **Person** who is subject to an **Administrative Penalty**;

“**Screening Decision**” means a notice that contains the decision made by a **Screening Officer** and delivered in accordance with Section 11. of this By-law;

“**Screening Officer**” means a **Person** who performs the functions of a **Screening Officer** in accordance with this By-law, Ontario Regulation 355/22 under the *Highway Traffic Act*. and Ontario Regulation 333/07 under the *Municipal Act*;

“**Set Penalty Amount**” means the amount that is payable in respect of a **Contravention** of a By-law as identified in Schedule “A” or Schedule “B” of this By-law, or a **Contravention** of the *Highway Traffic Act*;

“**Town**” means The Corporation of the **Town** of Newmarket;

“**Vary**” means the reduction of an **Administrative Penalty** amount or extension of time for payment of an **Administrative Penalty** amount;

“**Victim Component Fee**” means a fee collected under Ontario's Victims' Bill of Rights to help support victims of criminal offences and is required to be collected on behalf of the Province to the Victims' Justice Fund Account, pursuant to Ontario Regulation 355/22 under the *Highway Traffic Act*.

### 3. Application

- (1) This By-law applies to those **Contraventions** included within Schedule “A” and Schedule “B”, attached hereto and forming part of this By-law to impose **Administrative Penalties** for **Contraventions** of **Town** By-laws.
- (2) This By-law applies to those **Contraventions** under the *Highway Traffic Act*, to impose **Administrative Penalties** for **Contraventions** detected using camera systems.

### 4. Procedural Requirements

- (1) The **Administrative Penalties** designated in Schedule “A” and Schedule “B”, as attached, and forming part of this By-law, shall be dealt with by **Penalty Notice** and the Administrative Monetary Penalty System.
- (2) The **Administrative Penalties** issued under the *Highway Traffic Act*, shall be dealt with by **Penalty Order** and the Administrative Monetary Penalty System.
- (3) The **Administrative Penalty** shall be served to the **Person** in accordance with Section 11.(1) and shall include;
  - (a) the **Administrative Penalty Number**;
  - (b) the date, time and location of the **Contravention**;
  - (c) the provision of the *Highway Traffic Act* or **Designated By-law** contravened;
  - (d) An identification of the motor vehicle that is involved in the contravention, as required under Ontario Regulation 355/22 only
  - (e) the amount of the **Administrative Penalty** and the associated **Administrative Fees**;
  - (f) a signature of the **Issuing Officer**;







































<b>amended</b>  <b>Site Alteration By-law 2016-58, as amended</b>	448.	5.2(c)	Permit site alteration contrary to drainage requirements	200.00	300.00	450.00
	449.	5.2(d)	Permit site alteration contrary to ESC requirements	200.00	300.00	450.00
	450.	5.3	Carry out site alteration during wind warning	200.00	300.00	450.00
	451.	5.4	Carry out site alteration in special area without a permit	200.00	300.00	450.00
	452.	5.5	Alter grade contrary to approved application	300.00	450.00	675.00
	453.	10.1	Obstruct a Municipal Enforcement Officer	600.00	900.00	1,350.00
<b>Smoking By-law 2019-31</b>						
<b>Smoking By-law 2019-31 as amended</b>	454.	3.1	Smoke in public place	200.00	300.00	450.00
	455.	3.2	Permit smoking on Town property	200.00	300.00	450.00
<b>Snow Removal By-law 1996-38</b>						
<b>Snow Removal By-law 1996-38 as amended</b>	456.	3	Failure to clear sidewalk within 24hrs of snowfall	200.00	300.00	450.00
	457.	5	Deposit snow/ice on sidewalk or highway	200.00	300.00	450.00
<b>Waste Collection By-law 2017-19</b>						
<b>Waste Collection By-law 2017-19, as amended</b>	458.	4.1	Failure to set out refuse in accordance with by-law	200.00	300.00	450.00
	459.	4.2	Deposit refuse on private or public property	200.00	300.00	450.00
	460.	4.3	Place or permit refuse causing a nuisance	200.00	300.00	450.00
	461.	4.4	Refuse placed for collection on improper date or time	200.00	300.00	450.00

