

**TOWNSHIP OF SOUTH FRONTENAC  
BY-LAW 2022-70**

**BEING A BY-LAW TO IMPOSE ADMINISTRATIVE MONETARY PENALTIES ON  
VIOLATIONS OF MUNICIPAL BY-LAWS**

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**WHEREAS** the Municipal Act, 2001, as amended, permits municipalities to enact by-laws under the category of “broad powers’ relating to the health, safety and well-being of residents of South Frontenac, and under the category of “spheres of jurisdiction” namely highways, including parking and traffic on municipal highways,

**AND WHEREAS** the Council of the Corporation of the Township of South Frontenac considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated Township by-laws or portions of a designated Township by-law,

**AND WHEREAS Section 434.1** (1) of the Municipal Act, 2001, provides that without limiting sections 9, 10 and 11, a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act,

**NOW THEREFORE BE IT RESOLVED THAT:**

**DEFINITIONS:**

**CAO** - shall mean the Chief Administrative Officer or their designate.

**Screening Officer** - shall mean the Director of Corporate Services.

**Hearing Officer** - shall be an impartial person outside of the organization and shall be appointed by the CAO when required.

**1. By-laws subject to Administrative Monetary Penalty**

- 1.1. Any and all schedules attached and forming part of this by-law shall be subject to penalties as outlined in Section 1.2 below.
- 1.2. Any person who contravenes this By-law is liable to pay an Administrative Monetary Penalty in an amount as outlined in the relevant schedule(s) to this by-law, in accordance with this By-law, provided that an offence notice under the *Provincial Offences Act* has not been issued for the same person for the same offence on the same day.

**2. Administrative Monetary Penalty Notice**

- 2.1. Subject to section 3, each Person who contravenes this By-law shall, if given an Administrative Monetary Penalty Notice (hereinafter referred to as “Penalty Notice”), be liable to pay to the Township of South Frontenac (hereinafter the “Township”) an Administrative Penalty as outlined in the relevant schedule(s) to this by-law.
- 2.2. Any person designated to enforce this By-law (hereinafter an “Officer”) who has reasonable grounds to believe that a person has contravened any provision of this By-law may give to the person a Penalty Notice.

- 2.3. The Penalty Notice shall be given to the person as soon as is reasonably practicable after the contravention has occurred and shall include the following information:
- a. the date the Penalty Notice is given;
  - b. a reference number that is unique to that Penalty Notice;
  - c. particulars of the contravention, including the date and location of the contravention, and the person(s) to whom the Penalty Notice is being given;
  - d. the monetary amount of the Administrative Penalty;
  - e. such information as the CAO determines is appropriate respecting the process by which the Person may exercise the Person's right to request a review of the Administrative Penalty; and
  - f. a statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt of the Person to the Township.
- 2.4. A person who is given a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer pursuant to section 3.

### **3. Review by Screening Officer**

- 3.1. Section 3 applies to reviews of an Administrative Penalty by a Screening Officer.
- 3.2. A person's right to request a review expires if it has not been exercised in the manner prescribed in section 3.4 before 4:30 p.m. on the fifteenth (15<sup>th</sup>) day after the Penalty Notice is deemed to have been received pursuant to section 5.
- 3.3. A person's right to request an extension of the time to request a review expires if it has not been exercised in the manner prescribed in section 3.4 before 4:30 p.m on the tenth (10<sup>th</sup>) day after the date the Penalty Notice is deemed to have been received pursuant to section 5, at which time:
- a. the person shall be deemed to have waived the right to request a review;
  - b. the Administrative Penalty shall be deemed to be affirmed; and
  - c. the Administrative Penalty shall not be subject to review, including review by any Court.

No extension granted under this section will extend beyond the thirtieth (30<sup>th</sup>) day after the date receipt of the Penalty Notice is deemed to have occurred pursuant to section 5.

- 3.4. A person's rights to request a review and/or to request an extension of time to request a review are exercised by giving to the Township written notice of such request(s) that includes:
- a. the Penalty Notice Number;
  - b. the person's mailing address and, if applicable, facsimile transmission number and/or e-mail address;

- c. in the case of a request to extend the time to request a review, the reasons, if any, for having failed to exercise the right to request a review within the time limited by section 3.2; and
  - d. in the case of a request to review, the particulars of all grounds upon which the request to review is based.
- 3.5. The Screening Officer shall undertake the review upon receipt of the request for review and may request further information from the person requesting the review as needed, and any time limit for the review may be adjusted in the Screening Officer's sole discretion.
- 3.6. The Screening Officer may
  - a. receive submissions from the Officer who issued the Penalty Notice under review; and
  - b. cancel, reduce or extend the time for payment of the Administrative Penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of this By-law and that:
    - (i) there is reason to doubt that the person contravened this By-law; or that
    - (ii) the person took all reasonable steps to prevent the contravention; or that
    - (iii) the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
- 3.7. The Screening Decision shall be given to the person in writing as soon as is reasonably practicable.
- 3.8. The person may appeal to a Hearings Officer against the Screening Decision pursuant to section 4.

#### **4. Appeal to Hearings Officer**

- 4.1. Section 4 applies to appeals to a Hearings Officer against Screening Decisions:
- 4.2. The right to appeal is limited to the following:
  - a. a person who has been given a Screening Decision; or
  - b. the CAO.
- 4.3. A Person's right to appeal expires if it has not been exercised in the manner prescribed in section 4.5 before 4:30 p.m. on the fifteenth (15<sup>th</sup>) day after the Screening Decision Date.
- 4.4. A person's right to request an extension of the time to appeal expires if it has not been exercised in the manner prescribed in section 4.5 before 4:30 p.m. on the tenth (10<sup>th</sup>) day after the Screening Decision Date at which time:
  - a. the person shall be deemed to have waived the right to appeal;
  - b. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed; and

- c. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall not be subject to review, including review by any Court.

No extension granted under this section will extend beyond the Thirtieth (30<sup>th</sup>) day after the Screening date.

- 4.5. A right to appeal is exercised by giving to the Township written notice of the appeal that includes:
  - a. the Penalty Notice Number;
  - b. the person's mailing address and, if applicable, facsimile transmission number and/or e-mail address;
  - c. in the case of a request to extend the time to appeal, the reasons, if any, for having failed to exercise the right to appeal within the time limited by section 4.3; and
  - d. particulars of all grounds upon which the appeal is made.
- 4.6. The person shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
- 4.7. Where the Person fails to appear at the time and place scheduled for a 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 affirmed;
  - c. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall not be subject to review, including review by any Court; and
  - d. the person shall pay to the Township an additional Fee for failure to appear in the amount of \$100.
- 4.8. Except in the case of a person who is deemed to have abandoned their appeal, a Hearings Officer shall not make any decision respecting an appeal unless the Hearings Officer has given each of the person, the CAO and the Officer who gave the Penalty Notice an opportunity to be heard at the time and place scheduled for the hearing of the appeal.
- 4.9. Subject to sections 4.4, 4.7 and 4.8, a Hearings Officer may:
  - a. extend the time to request an appeal; and may
  - b. make any decision that the Screening Officer could have made pursuant to this By-law.
- 4.10. The decision of a Hearings Officer is final and not subject to review including review by any Court.

## **5. Notice**

- 5.1. Subject to section 5.3, any notice or document respecting this By-law, including the Penalty Notice, may be given in writing in any of the following ways and is effective:

- a. when a copy is placed on or affixed in any manner to a Person's vehicle;
  - b. when a copy is delivered to the person to whom it is addressed;
  - c. on the third (3<sup>rd</sup>) day after a copy is sent by registered mail or by regular lettermail to the person's last known address;
  - d. upon the conclusion of the transmission of a copy by facsimile transmission to the person's last known facsimile transmission number; or
  - e. upon the sending of the notice or document or a copy thereof by e-mail transmission to the person's last known e-mail address.
- 5.2. For the purpose of section 5.1, a person's last known address, last known facsimile transmission number and last known e-mail address are deemed to include those provided by the person pursuant to paragraphs 3.4(b) and 4.5(b).
- 5.3. Any notice or document respecting this By-law to be given to the Township shall be in writing, shall be given in any of the following ways, and is effective:
- a. when a copy is delivered to the Clerk of the Township during regular business hours at its reception area, at 4432 George Street, Sydenham, Ontario;
  - b. on the third (3<sup>rd</sup>) day after a copy is sent by registered mail or by regular lettermail to "Administrative Penalties, Township of South Frontenac, c/o Township Clerk, 4432 George Street, Sydenham, Ontario, K0H 2T0"; or
  - c. upon the conclusion of the transmission of a copy by facsimile transmission to 613-376-6657.

## **6. Financial Administration**

- 6.1. No Officer who gives a Penalty Notice may accept payment of the Administrative Penalty respecting that Penalty Notice.
- 6.2. An Administrative Penalty that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to this By-law is due and payable and constitutes a debt to the Township of each person to whom or to which the Penalty Notice was given.
- 6.3. The Township may add to the Tax roll of any person who fails to pay an Administrative Penalty the amount of the Administrative Penalty, including any additional penalties imposed under this By-law, and collect all amounts in the same manner as municipal taxes.
- 6.4. Where a person has paid an Administrative Penalty or an administrative fee that is then cancelled or reduced pursuant to this By-law, the Township shall refund the amount cancelled or reduced.
- 6.5. Where an Administrative Penalty or any administrative fees respecting that Administrative Penalty are not paid within fifteen (15) days after the date that they become due and payable, each person to whom the Penalty Notice was given shall pay to the Township an additional Fee for late payment in an amount of \$50.

**7. General**

- 7.1. The CAO may appoint as Screening Officers and Hearings Officers such individuals and on such terms as the CAO considers appropriate.
- 7.2. Nothing in this By-law limits the Township's right to enforce this By-law by any other legal means or to use any other process of enforcement available under law.

That this by-law shall come into force and take effect on the date of its passing.

That By-law 2021-44 be repealed upon passage of this by-law.

That By-law 2021-53 be repealed upon passage of this by-law.

**Read a first and second time this 9<sup>th</sup> day of August, 2022.**

**Read a third time, signed and sealed this 9<sup>th</sup> day of August, 2022.**

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH FRONTENAC**



Ron Vandewal, Mayor



Angela Maddocks, Clerk

## **Schedule A**

- 1.** Township of South Frontenac, By-Law Number 2004-93, A By-Law to License Trailers Which Are Lawfully Located In The Municipality Except Those Located In An Established Trailer Park In The Municipality, as amended from time to time.
- 2.** Township of South Frontenac, By-Law Number 2007-13, A By-Law to Provide For The Safety Of Properties In The Township of South Frontenac, as amended from time to time.

**Schedule B**

**Administrative Monetary Penalties**

<b>By-Law Number 2004-93, A By-Law to License Trailers Which Are Lawfully Located in The Municipality Except Those Located In An Established Trailer Park In The Municipality</b>		
<b>By-Law Section</b>	<b>Short Wording</b>	<b>Penalty Amount</b>
3.1	No person shall use and or keep a trailer on any property within the Township; except in an established Trailer Park, where the use is permitted and conforms to the Township of South Frontenac Comprehensive Zoning By-law.	\$250.00
3.5	Obstruct an Officer	\$500.00
	Continued failure to remedy an order. (AMP may be issued once in every seven-day period when compliance is not achieved by prescribed date)	\$500.00
	Administrative Penalty Fee – Failing to pay the AMP by the date on which it is due.	\$ 50.00
	Administrative Penalty Fee – Failing to appear for a hearing before the Hearings Officer.	\$100.00
	Screening Officer Appeal Fee	\$ 50.00
	Hearing Officer Appeal Fee	\$200.00

**By-Law Number 2007-13, A By-Law to Provide For The Safety Of Properties In The Township of South Frontenac**

<b>By-Law Section</b>	<b>Short Wording</b>	<b>Penalty Amount</b>
2.a	Failure to remedy an order related to rubbish, garbage, waste and other debris.	\$100.00
2.b	Failure to remedy an order related to grass greater than twenty centimeters in height, brush and clippings, noxious weeds, or any other condition that may promote or be susceptible to fire or infestation by weeds, rodents or other noxious conditions.	\$100.00
2.c	Failure to remedy an order related to timber, lumber, building materials, granular or soil materials or any other type of product or material stored in a location visible to the public for a period of more than thirty days.	\$500.00
2.d	Failure to remedy an order related to scrap and junk material including without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, trailers, machinery, tools, tires, appliances, equipment or any part thereof, except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions.	\$500.00
2.e	Failure to remedy an order related to any pit, precipice, excavation or deep waters that are unfenced or unprotected against unauthorized entry.	\$200.00
2.f	Failure to remedy an order related to buildings, fences, scaffolding, retaining walls or any other erection that, is in a dilapidated state.	\$200.00
2.g	Failure to remedy an order related to any combustible, flammable, volatile, caustic or explosive substance unless stored under conditions that are safe and free from risk or fire or accident.	\$200.00
11.	Obstruct an Officer	\$500.00
	Continued failure to remedy an order. (AMP may be issued once in every seven-day period when compliance is not achieved by prescribed date)	\$500.00
	Administrative Penalty Fee – Failing to pay the AMP by the date on which it is due.	\$ 50.00
	Administrative Penalty Fee – Failing to appear for a hearing before the Hearings Officer.	\$100.00
	Screening Officer Appeal Fee	\$ 50.00
	Hearing Officer Appeal Fee	\$200.00