

The Corporation of The Municipality of Hastings Highlands

Bylaw 2021-066

A Bylaw to Implement an Administrative Monetary Penalty System in the Municipality of Hastings Highlands

Whereas the Municipality of Hastings Highlands is authorized under section 434.1 (1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, to establish a system of administrative penalties for contraventions of municipal bylaws;

And Whereas section 102.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with any bylaws respecting the parking, standing or stopping of vehicles;

And Whereas section 391 of the *Municipal Act*, 2001 enables the Municipality to pass bylaws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

And Whereas section 434.2 of the *Municipal Act*, 2001, S.O. 2001, c. 25, provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

And Whereas sections 23.2, 23.3 and 23.5 of the *Municipal Act*, 2001 authorizes the Municipality to delegate its administrative and hearing powers; and,

And Whereas the Council for the Municipality considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated Municipal bylaws, or portions of the designated Municipal bylaws;

Now Therefore The Council Of The Corporation Of The Municipality Of Hastings Highlands Enacts As Follows:

Definitions

1.0 In this Bylaw:

“Administrative Fee” means any fee specified in this Bylaw or set out in Schedule ‘B’;

“Administrative Penalty” means an administrative penalty established by this Bylaw or set out in the attached Schedule(s) for a contravention of a Designated Bylaw;

“A.M.P.S.” means Administrative Monetary Penalty System;

“Clerk” means the Municipal Clerk, their delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

“Council” means the Council of the Municipality of Hastings Highlands;

“Day” means any calendar day;

“Designated Bylaw” means a bylaw, or a part or provision of a bylaw, that is designated under this or any other bylaw, and is listed in the attached Schedule ‘A’ to which the AMPS applies;

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

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

“Hearing Officer” shall mean a person who performs the duties of Hearing Officer as set out in section 5 of this bylaw and meeting the requirements that a Hearing Officer cannot be a Member of Council or a Municipal Employee. The Hearing Officer shall have knowledge of and experience in administrative law; such as a lawyer, retired lawyer, para-legal, retired para-legal, retired police officer, retired municipal clerk or retired municipal deputy clerk;

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

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

“Municipality” means the Corporation of the Municipality of Hastings Highlands;

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

“Officer” means a Municipal Bylaw Enforcement Officer, Police Officer, Fire Chief or designate appointed by the municipality to administer and enforce this bylaw;

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

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

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

“Person” includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof;

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

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

“Review by Hearing Officer” and **“Hearing”** means the process set out in section 5 of this Bylaw;

“Review by Screening Officer” and **“Screening Review”** means the process set out in section 4 of this Bylaw;

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

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

“Screening Officer” means a person from time to time appointed pursuant to this Bylaw who performs the duties of Screening Officer as set out in section 4 of this bylaw and meeting the requirements that a Screening Officer cannot be a Member of Council, a Screening Officer may be a staff member provided that they have no jurisdiction in their job duties that relate in any type of enforcement capacity.

“Vehicle” includes a motor vehicle, automobile, bicycle, motorcycle, boat, motor vehicle trailer, traction engine, farm tractor, road building machine and any vehicle propelled or driven by any kind of power including muscular power and such additional definitions as set out in the *Highway Traffic Act*.

Application of this Bylaw

2.0 The Municipal bylaws, or portions of Municipal bylaws, listed in the attached Schedule 'A' of this Bylaw shall be Designated Bylaws for the purposes of sections 102.1 and 151 of the *Municipal Act* and paragraph 3(1)(b) of the Regulation. The attached Schedule 'A' sets out the Administrative Penalty and may include short form language to be used on Penalty Notices, for the contraventions of Designated Bylaws.

2.1 Schedule 'B' of this Bylaw shall set out Administrative Fees imposed for the purposes of this Bylaw.

2.2 The *Provincial Offences Act* applies to all Designated Bylaws except to a Designated Bylaw respecting the parking, standing or stopping of vehicles.

Penalty Notices

3.0 Every Person in contravention of a Designated Bylaw shall upon issuance of a Penalty Notice be liable to pay the Municipality an Administrative Penalty in the amount specified in the attached Schedule 'A' to this Bylaw.

3.1 An Officer who has reason to believe that a Person has contravened any Designated Bylaw may issue a Penalty Notice as soon as reasonably practicable.

3.2 A Penalty Notice may include the following information:

(a) the vehicle licence plate number or vehicle identification number;

(b) the Penalty Notice Date;

(c) a Penalty Notice Number;

(d) the date on which the Administrative Penalty is due and payable;

(e) the identification number and signature of the Officer;

(f) the name of the person penalized;

(g) the contravention wording as listed in the attached Schedules, or other particulars reasonably sufficient to indicate the contravention;

(h) the amount of the Administrative Penalty;

(i) such additional information as the Clerk determines is appropriate, respecting the process by which a Person may exercise the right to request a Screening Review of the Administrative Penalty; and

(j) a statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the Municipality unless cancelled pursuant to Screening Review or Hearing process.

3.3 In addition to the service methods provided in section 6 “Service of Documents” of this Bylaw, an Officer may serve the Penalty Notice on a Person by delivering it personally to the Person contravening the bylaw at the time of the offence.

3.4 No Officer may accept payment of an Administrative Penalty or Administrative Fee.

3.5 A Person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Administrative Notice is due and payable, shall also pay the Municipality any applicable Administrative Fee(s).

Review by Screening Officer

4.0 A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date on which the Administrative Penalty is due and payable, and in accordance with the process set out in Section 4.3.

4.1 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 Screening Review to a date that is no later than forty-five (45) days after the Penalty Notice Date, in accordance with the process set out in Section 4.3.

4.2 A Person’s right to request an extension of time for a Screening Review expires, if it has not been exercised, on or before forty-five (45) days after the Penalty Notice Date, at which time:

(a) the Person shall be deemed to have waived the right to request a Screening Review or request an extension of time for a Screening Review; and,

(b) the Administrative Penalty shall be deemed to be confirmed on the sixteenth (16th) day following the Penalty Notice Date; and,

(c) the Administrative Penalty shall not be subject to any further review, including a review by any Court.

4.3 A Person's Request for Review by a Screening Officer or request for an extension of time to request a Screening Review is exercised by:

(a) a submission in writing to the Bylaw Enforcement Department of a Request for Review by a Screening Officer or request for an extension of time to request a Screening Review; or

(b) calling the telephone number listed on the Penalty Notice to make a Request for Review by a Screening Officer or to request an extension of time to request a Screening Review.

4.4 A Request for Review by Screening Officer of an Administrative Penalty or a request for an extension of time to request a Screening Review shall include the Penalty Notice Number and the Person's contact information.

4.5 A Request for Review by Screening Officer or a request for an extension of time to request a Screening Review shall only be scheduled by the Bylaw Enforcement Department if the Person makes the request on or before the dates established by Sections 4.0 or 4.1 of this Bylaw.

4.6 On a request for an extension of time to request a Screening Review, the Bylaw Enforcement Department may only extend the time to request a Screening Review where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.

4.7 Where an extension of time to request a Screening Review is not granted by the Bylaw Enforcement Department, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed.

4.8 Where a Person fails to attend at the time and place scheduled for a Screening Review of an Administrative Penalty:

(a) the Person shall be deemed to have abandoned the request for a Screening Review of the Administrative Penalty;

(b) the Administrative Penalty as set out in the Penalty Notice shall be deemed to be confirmed on the sixteenth (16th) day following the Penalty Notice Date;

(c) the Administrative Penalty shall not be subject to any further review, including a review by any Court; and

(d) the Person shall pay to the Municipality a Screening Non-Appearance Fee and any other applicable Administrative Fee(s).

4.9 On a review of an Administrative Penalty, the Screening Officer may:

(a) affirm the Administrative Penalty; or

(b) cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:

(i) where the Person establishes on the balance of probabilities that they did not contravene the Designated Bylaw(s) as described in the Penalty Notice; or

(ii) where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue hardship.

4.10 On a Screening Review of an Administrative Penalty, before making a decision, a Screening Officer shall conduct an interview with the Person.

4.11 After a Review by a Screening Officer, the Screening Officer shall deliver a Screening Decision to the Person, in accordance with Section 6 of this Bylaw.

4.12 A Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or bylaw or the constitutional applicability or operability of any statute, regulation or bylaw.

Review by Hearing Officer

5.0 A Person may Request a Review by Hearing Officer during the Screening Review.

5.1 If a Person has not made a Request for Review by Hearing Officer at the time of the Screening Review, the Person may make a Request for Review by Hearing Officer before the due and payable date for the Administrative Penalty listed on the Screening Decision.

5.2 The Person's right to Request for Review by Hearing Officer expires if it has not been exercised on or before the due and payable date for the Administrative Penalty listed on the Screening Decision, at which time:

(a) the Person shall be deemed to have waived the right to Request for Review by Hearing Officer;

(b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s), if applicable, as modified in the Screening Decision, shall be deemed to be confirmed; and

(c) the Screening Decision and Administrative Penalty shall not be subject to any further review, including a review by any Court.

5.3 A Person's Request for Review by Hearing Officer is exercised by:

(a) a submission in writing to the Bylaw Enforcement Department for a Request for Review by a Hearing Officer or request for an extension of time to request a Hearing; or

(b) attending in person at the location listed on the Screening Decision to make Request for Review by a Hearing Officer or request an extension of time to request a Hearing; or

(c) calling the telephone number listed on the Screening Decision to make a Request for Review by Hearing Officer or request an extension of time to request a Hearing.

5.4 A Request for Review by Hearing Officer shall only be scheduled by the Bylaw Enforcement Department if the Person makes the request within the time limits set out in sections 5.0 or 5.1 of this Bylaw.

5.5 Where a Person fails to appear at the time and place scheduled for a Hearing:

(a) the Person shall be deemed to have abandoned the Hearing for review of a Screening Decision;

(b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall be deemed to be confirmed;

(c) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and

(d) the Person shall pay to the Municipality a Hearing Non-appearance Fee, Late Payment Fee and any other applicable Administrative Fee(s).

5.6 On a review of a Screening Decision, the Hearing Officer may:

(a) confirm the Screening Decision; or

(b) cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:

(i) where the Person establishes on a balance of probabilities that they did not contravene the Designated Bylaw(s) as described in the Penalty Notice; or

(ii) where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue hardship.

5.7 A Hearing Officer shall not make any decision respecting a review of a Screening Decision unless the Hearing Officer has given the Person and a representative of the Municipality an opportunity to be heard at the time and place scheduled for the Hearing.

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

5.9 A Hearing Officer has no authority to consider questions relating to the validity of a statute, regulation or bylaw or the constitutional applicability or operability of any statute, regulation or bylaw.

5.10 After a Hearing is complete, the Hearing Officer shall deliver to the Person a Hearing Decision, in accordance with Section 6 of this Bylaw.

5.11 The decision of a Hearing Officer is final.

Service of Documents

6.0 The service of any document, notice or decision, including a Penalty Notice, pursuant to this Bylaw, when served in any of the following ways, is deemed effective:

(a) immediately, when a copy is delivered to the Person to whom it is addressed;

(b) on the seventh (7th) Day following the date a copy is sent by registered mail to the Person's last known address;

(c) immediately upon the conclusion and sent confirmation of a copy by facsimile transmission to the Person's last known facsimile transmission number; or

(d) immediately upon sending a copy by electronic mail (i.e. e-mail) to the Person's last known electronic mail address.

6.1 For the purposes of subsections 6.0 (b), (c) and (d) of this Bylaw, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the Municipality as may be required by a form, practice or policy under this Bylaw.

Administration

7.0 The Clerk, their delegate, or anyone designated by the Clerk shall administer this Bylaw and establish any additional practices, policies and procedures necessary to implement this Bylaw and may amend such practices, policies and procedures from time to time as they deem necessary, without amendment to this Bylaw.

7.1 The Clerk, their delegate, or anyone designated by the Clerk shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this Bylaw and may amend such forms and notices from time to time as they deem necessary, without amendment to this Bylaw.

7.2 An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the Municipality owed by the Person.

(a) Pursuant to subsections 398 (1) and (2) of the *Municipal Act*, where an Administrative Penalty, including any Administrative Fees(s) remain unpaid after the final date on which it is payable as specified in the Penalty Notice, the Administrative Penalty, including any Administrative Fees(s) shall be deemed to be unpaid taxes and the outstanding amount shall be added to the tax roll and collected in the same manner as municipal taxes.

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

7.4 Where a Person makes payments to the Municipality of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by negotiable instrument, for which there are insufficient funds available in the account on which the instrument was drawn, the Person shall pay to the Municipality the NSF Fee set out in the Municipality's Fees Bylaw.

7.5 Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.

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

7.7 A Person claiming financial hardship under this Bylaw shall provide documented proof of the financial hardship to the Clerk, their delegate, or anyone designated by the Clerk, the Screening Officer or the Hearing Officer, as applicable.

7.8 Any schedule attached to this Bylaw forms part of this Bylaw.

Severability

8.0 Should any provision, or any part of a provision, of this Bylaw be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this Bylaw, and every other provision of this Bylaw shall be applied and enforced in accordance with its terms to the extent possible according to law.

Interpretation

9.0 The provisions in Part VI of the *Legislation Act*, 2006, S.O. 2006, c.21, Sched. F, shall apply to this Bylaw.

Short Title

10.0 This Bylaw may be referred to as the AMPS Bylaw.

Effective Date

11.0 That this Bylaw shall come into effect on the day it was passed.

Read a first time in Council the 15th day of September 2021.

Read a second time, **Enacted** and **Passed** this 20th day of October 2021.

Tracy Hagar, Mayor

Suzanne Huschilt, Municipal Clerk



Hastings Highlands

Beautiful By Nature

Schedule “A” to Bylaw 2021-066

Administrative Monetary Penalty Bylaw for Non-Parking Offences

Designated Bylaws

1. For the purposes of section 2 of this Bylaw, Column 1 in the following Table lists the provisions in the Designated Bylaw identified in the Schedule, as amended.
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 amount that is payable for contraventions of the designated provisions listed in Column 1.

Schedule “A” to Bylaw 2020-086

Table 1: Bylaw No. 2018-086 Regulating Standards for the Maintenance of the Physical Condition and Occupancy of Property in the Municipality of Hastings Highlands

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
1	# 2018-086 Section 3	Fail to keep yard clean of refuse & debris	\$125.00
2	# 2018-086 Section 3	Storing inoperative, wrecked or dismantled vehicles, trailers, or other machinery	\$150.00
3	# 2018-086 Section 6	Permit the storage of more than one (1) travel trailer or camper trailer on unauthorized property	\$90.00
4	# 2018-086 Section 6	Use a travel trailer or camper trailer for habitation on unauthorized property	\$90.00

Table 2: Bylaw No. 2017-030 Regulating Open Air Fires, Incinerator Fires and Outdoor Fires

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
1	#2017-030 Section 3.1	Day Burning	\$250.00
2	#2017-030 Section 3.8	Failure to extinguish any fire as ordered by the Chief Fire Official	\$250.00
3	#2017-030 Section 4.1(f)	Operating an incinerator during a municipal fire ban	\$250.00
4	#2017-030 Section 4.1	Burn Material other than dry wood by products Class 'A' materials	\$400.00
5	#2017-030 Section 6.1	Ignite or release an ignited flying lantern	\$400.00
6	#2017-030 Section 3.7	Failure to report a set fire out of control	\$250.00
7	#2017-030 Section 7.0	Set a fire in unsafe weather conditions	\$250.00
8	#2017-030 Section 5.3	Burning garbage in an outdoor furnace	\$250.00
9	#2017-030 Section 4.1	Burn in an unlawful burn barrel	\$250.00
10	#2017-030 Section 3.4	Setting out an open fire during a municipal fire ban	\$500.00
11	#2017-030 Section 9.0	Hinder or obstruct enforcement officer	\$500.00

Cont'd Table 2: Bylaw No. 2017-030 Regulating Open Air Fires, Incinerator Fires and Outdoor Fires

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
12	#2017-030 Section 6.2	Sell, cause or permit to be sold flying lanterns	\$400.00
13	#2017-030 Section 3.2(b) & Section 3.3 (a)	Leave an open fire unattended or unsupervised	\$250.00
14	#2017-030 Section 3.5	Open fire causing adverse effect	\$250.00

Table 3: Bylaw No. 2020-062 A Bylaw to Prohibit and Regulate Noise and the Use of Fireworks within the Municipality of Hastings Highlands

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
1	#2020-062 Section 2.1	Cause or permit to be made unnecessary noise or sound	\$100.00
2	#2020-062 Section 2.2	Set off fireworks during a Fire Ban or Extreme conditions	\$1000.00
3	#2020-062 Section 2.3	Set off fireworks during prohibited times	\$100.00
4	#2020-062 Section 2.4	Set off fireworks during prohibited days	\$100.00
5	#2020-062 Section 2.7	Set off fireworks in an unsafe manner	\$500.00
6	#2020-062 Section 2.9	Cause or permit damage or injury from the use of fireworks	\$1000.00

Table 4: Bylaw No. 2020-019 A Bylaw to Regulate the Erection of Signs, Billboards, Posters and Other Advertising Devices within the Municipality of Hastings Highlands

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
1	# 2020-019 Section 2.1	Erect sign on residential lot-exceed permitted size	\$50.00
2	# 2020-019 Section 2.2	Erect sign on rural, commercial or industrial lot - no permit	\$50.00
3	# 2020-019 Section 2.3	Erect sign - not within permitted distance to road	\$100.00
4	# 2020-019 Section 2.4	Owner - fail to remove sign	\$50.00
5	# 2020-019 Section 2.5	Erect sign - obstruct vision of vehicular /pedestrian traffic	\$100.00
6	# 2020-019 Section 2.6	Post sign on tree	\$50.00
7	# 2020-019 Section 2.7	Erect sign-abut municipal road/property	\$50.00

Table 5: Bylaw No. 2018-074 Regulating the Throwing, Placing or Depositing of Refuse and Debris, Waste Material on Private Property or Municipal Property within the Municipality of Hasting Highlands

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
1	#2018-074 Sec 3.1	Allow refuse, debris or waste on own property	\$100.00
2	#2018-074 Sec 3	Unauthorized discarding or depositing of refuse, debris or waste on private or municipal property	\$150.00
3	#2018-074 Sec 3.3	Unauthorized entrance onto a municipal waste site other than during operating hours	\$250.00
4	#2018-074 Sec 3.4	Unauthorized salvage of any materials from a municipal waste site	\$250.00

Table 6: Bylaw No. 2004-035 Regulating All Land Included within the Municipality of Hastings Highlands Zoning Bylaw and Attached Schedules

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
1	#2004-035 Sec 5	Fail to Comply with Zoning Bylaw Setbacks (structures not requiring a building permit)	\$400.00
2	#2004-035 Sec 9.3 (c)	Fail to maintain 15 metres of natural vegetative buffer strip adjacent to shoreline	\$500.00

Table 7: Bylaw No. 2019-098 Regulating the Keeping of Dogs within the Municipality of Hastings Highlands

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
1	# 2019-098 Section 3.1 & Section 3.4	Fail to keep dog(s) from being a public nuisance	\$125.00
2	# 2019-098 Section 3.2	Harbour, own or keep a dangerous dog(s)	\$300.00
3	# 2019-098 Section 4.0	Dog Being at Large	\$125.00
4	# 2019-098 Section 5.0	Fail to Comply with Muzzle/Leash Order	\$150.00

Table 8: Bylaw No. 2020-009 A Bylaw to Regulate Parking in the Municipality of Hastings Highlands

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
1	#2020-009 Section 2.1	Leave vehicle - prohibited	\$30.00
2	#2020-009 Section 2.2	Park - not entirely within marked parking space	\$30.00
3	#2020-009 Section 2.3	Park facing wrong direction	\$15.00
4	#2020-009 Section 3.1 (a) & (b)	Park on sidewalk, crosswalk or pedestrian crossover	\$30.00
5	#2020-009 Section 3.1 (c)	Park within any intersection	\$30.00
6	#2020-009 Section 3.1 (d)	Park in a designated fire/emergency services route	\$75.00
7	#2020-009 Section 3.1 (e)	Park on a bridge	\$30.00
8	#2020-009 Section 3.1 (f)	Park within 3 metres of fire hydrant	\$100.00
9	#2020-009 Section 3.1 (g)	Park within 3 metres of intersection	\$30.00
10	#2020-009 Section 3.1 (h)	Park on street or highway – obstruct traffic	\$100.00
11	#2020-009 Section 3.1 (i)	Park - prevent removal of previously parked vehicle	\$15.00

Cont'd Table 8: Bylaw No. 2020-009 A Bylaw to Regulate Parking in the Municipality of Hastings Highlands

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
13	#2020-009 Section 3.1 (k)	Park in front of driveway	\$15.00
14	#2020-009 Section 3.1 (l)	Park between 12:00am and 7:00am from October 15 to April 15	\$30.00
15	#2020-009 Section 4.1	Park or stop heavy truck in residential area	\$50.00
16	#2020-009 Section 5.1	Park in excess of authorized time	\$15.00
17	#2020-009 Section 6.1	Park in designated accessible parking space – no permit	\$300.00
18	#2020-009 Section 7.1	Park motor vehicle on municipal property – unauthorized	\$30.00
19	#2020-009 Section 7.2	Park vehicle on municipal property - unauthorized	\$30.00
20	#2020-009 Section 8.1	Deposit snow on roadway/road allowance	\$50.00
22	#2020-009 Section 8.2	Deposit any object(s) on the roadway/road allowance	\$100.00

Table 9: Bylaw No. 2021-037 To Prohibit or Otherwise Regulate the Keeping of Certain Animals within the Municipality of Hastings Highlands

Item	Column 1 – Designated Bylaw and Section	Column 2 – Short Form Wording	Column 3 Administrative Penalty
1	#2021-037 Section 3.1	Possess, harbour or keep prohibited animal	\$400.00
2	#2021-037 Section 3.2	Keep, offer, give, sell, breed or trade prohibited animals – Pet Business	\$750.00
3	#2021-037 Section 4.1	Fail to Notify Municipality of ownership within 90 days	\$300.00
4	#2021-037 Section 4.2	Fail to provide animal identification to Municipality	\$250.00
5	#2021-037 Section 4.3	Unlawfully keep grandfathered animal	\$400.00
6	#2021-037 Section 4.4	Fail to comply with conditions set forth by Municipality	\$300.00
7	#2021-037 Section 4.5	Fail to Comply Undertaking – Grandfathered animals	\$300.00
8	#2021-037 Section 4.9	Fail to Notify Municipality of relocation within 48 hours	\$300.00
9	#2021-037 Section 6.5	Hinder or obstruct Officer in the execution of their duties	\$300.00



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SCHEDULE “B” to Bylaw 2021-066

Administrative Monetary Penalty Bylaw for Non-Parking Offences

Administrative Fees

ITEM	COLUMN 1 Administrative Fee	COLUMN 2 Amount
1	Late Payment Fee	\$15.00
2	MTO Plate Denial Fee	\$22.00
3	MTO Search Fee	\$10.00
4	Screening No Show Fee	\$50.00
5	Hearing No Show Fee	\$100.00



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Schedule “C” to Bylaw 2021-066

Department: Bylaw Enforcement/Administration and Council		Policy #:	
Policy: Policies and Procedures for an Administrative Monetary Penalty System in the Municipality of Hastings Highlands.			
Date: approved July 17/19	Rev. Date: Oct 20/21	Coverage: Municipality of Hastings Highlands	Page #: 3 pages

Policy Statement:

This policy addresses the methods and procedures by which Council, staff and any other representatives of the Municipality of Hastings Highlands will follow while using the Administrative Monetary Penalty System.

This policy will guide:

1. Consistency and coherence in the use of an Administrative Monetary Penalty System (AMPS) within the overall program design of AMPS for the municipality;
2. Appropriate and effective use of AMPS within the municipality’s graduated enforcement approach; and
3. Effective management of the AMPS regime.

This policy is to ensure all financial control and reporting responsibilities related to the Administrative Monetary Penalty System (AMPS) shall follow the existing corporate policies and procedures related to Code of Conduct, Conflict of Interest, financial management/reporting and political interference in the administration of the system.

Accountability:

If anyone attempts to influence a Screening Officer, Hearing Officer or City employee engaged in the administration of the AMPS program, the Screening Officer, Hearing Officer or City employee, as the case may be, shall report the incident to the CAO or

designate as soon as possible. No action will be taken against a Screening Officer or Hearing Officer for making any such report in good faith.

Procedure:

A Penalty Notice may include, if applicable and obtainable:

1. The vehicle licence plate number or vehicle identification number;
2. The Penalty Notice Date;
3. A Penalty Notice Number;
4. The date on which the Administrative Penalty is due and payable;
5. The identification number and signature of the Officer;
6. The name of the person penalized;
7. The contravention wording as listed in the attached Schedules, or other particulars reasonably sufficient to indicate the contravention;
8. The amount of the Administrative Penalty;
9. The option(s) available to dispute the Penalty Notice with a Screening Officer and Hearing Officer: and
10. A statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the Municipality unless cancelled pursuant to Screening Review or Hearing process.
11. Any additional information such as, the process by which a Person may exercise the right to request a Screening Review/Hearing Review of the Administrative Penalty Notice.

When a person is issued a Penalty Notice, they have the following options:

Option 1: Plea of Guilty – Voluntary Payment of Total Payable by mail, telephone or in person

A Person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Administrative Notice is due and payable, shall also pay any applicable Administrative Fee(s).

Option 2: Make a request, within Meet with a Screening Officer. The accused or their legal representation and any witnesses may meet with a Screening Officer in person at the Hastings Highlands Municipal Office. If the accused lives more than 50 km from the

Hastings Highlands Municipal Office or has any other extenuating circumstances for why they cannot attend the Hastings Highlands Municipal Office in person, they may also meet with the Screening Officer by telephone.

If the accused is not satisfied with the Screening Officer's decision, the accused or their legal representation may request a meeting with the Hearing Officer in person at the Screening Review **or** in writing by mail to the Bylaw Enforcement Department before the due and payable date given by the Screening Officer. The Hearing Officer's decision is final.

A Person's Request for Review by a Screening/Hearing Officer or request for an extension of time shall be submitted in writing to the Bylaw Enforcement Department or by calling the telephone number listed on the Penalty Notice.

A person has 15 days from the day they receive the penalty notice to choose one of the before mentioned options.

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

***These above-mentioned options and information shall be clearly marked on every Penalty Notice.**