

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW 2025-17

Being a By-law to establish a System of Administrative Monetary Penalties – Parking

WHEREAS Sections 23.1, 23.2 and 23.5 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, hereinafter referred to as the “*Municipal Act*” authorizes the municipality to delegate its administrative and hearing powers;

AND WHEREAS Section 102.1 of the *Municipal Act*, a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any By-laws respecting the parking, standing, or stopping of a vehicle;

AND WHEREAS Ontario Regulation 333/07: Administrative Penalties, under the *Municipal Act*, a municipality may establish a system of administrative penalties respecting the parking, standing, or stopping of vehicles;

AND WHEREAS Section 391 of the *Municipal Act* authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS Council is satisfied that the system of administrative penalties provided for herein, are not punitive in nature and are in amounts reasonably required to promote compliance with the by-laws of the municipality;

AND WHEREAS the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, applies to all hearings conducted under this By-law;

AND WHEREAS the Council of the Corporation of the Town of Wasaga Beach deems it desirable to establish an Administrative Monetary Penalty System to promote compliance with Town By-laws that deal with parking, standing or stopping of vehicles;

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach enacts as follows:

1. SHORT TITLE

1.1 This By-law may be referred to as the “AMPS By-law - Parking”.

2. DEFINITIONS

2.1 For the purposes of this By-law:

“**Adjourn**” means to temporarily end a **Hearing**, where no decision is reached until the **Hearing** resumes;

“Administrative Fee” means any fee imposed by this By-law and as set out in the **Fees and Charges By-law**;

“Administrative Penalty” means an administrative monetary penalty as set out in Schedule ‘A’ of this By-law for a contravention of a **Designated By-law**;

“Certified Document Fee” means an **Administrative Fee**, for conducting a search, making a request for or obtaining documents, information or records from the **Ministry** and includes any search of documents or information, requests including plate denial, and notification about a vehicle or the **owner of a vehicle**;

“Council” means the Council of the **Town**;

“Date of Service” means the date service is deemed in effect in accordance with the provisions of this By-law;

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

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

“Designated By-law” means a **Town By-law**, or part or provision of a **Town By-law**, that is designated under this By-law or another By-law;

“Electronic Hearing” means a **Hearing** held by conference telephone or some other form of electronic technology allowing **Persons** to hear one another;

“Fails to appear” or **“Failure to appear”** means failure to appear or participate by conference telephone, or some other form of electronic technology allowing **Persons** to hear one another, or in person, on the scheduled date as the case may be within ten (10) minutes of the start time of a **Screening Review** meeting or **Hearing**;

“Fails to respond” means failure to respond in writing to a request for information, documents or submissions by the **Screening Officer** or **Hearing Officer** on the date set by the **Screening Officer** or **Hearing Officer** for responding;

“Fees and Charges By-law” means the **Town By-law**, adopted from time to time, for imposing fees and charges with respect to various services and activities provided;

“General Manager” means the General Manager of Legislative and Development

Services for the **Town**, or their designate or successor;

“Hearing” means a review of a **Decision of a Screening Officer** by a **Hearing Officer**;

“Hearing Non-Appeal Fee” means an **Administrative Fee**, in respect of a **Person’s failure to appear** for a **Hearing**;

“Hearing Officer” means a **Person** who performs the functions of a Hearing Officer in accordance with this By-law and any other applicable **Town By-law**;

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

“Late Payment Fee” means an **Administrative Fee**, in respect of a **Person’s** failure to pay an **Administrative Penalty** within the time prescribed in this By-law;

“Ministry” means Ontario Ministry of Transportation, Land Registry Office, Service Ontario or any other Ontario Ministry or related authority;

“Municipal Act” means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;

“NSF Fee” means an **Administrative Fee**, in respect of a payment by negotiable instrument, for which there are insufficient funds in the account on which the instrument is drawn;

“Officer” means a Municipal Law Enforcement Officer, Police Officer or any other **Person** appointed by By-law to enforce a **Town By-law**;

“Oral Hearing” means a **Hearing** at which the parties or their representatives attend before the **Hearing Officer** in person;

“Owner of a Vehicle” means:

- (a) the **Person** whose name appears on the permit of the vehicle; and
- (b) 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 for a contravention of a **Designated By-law**;

“Penalty Notice Date” means the date of the contravention of a **Designated By-law**;

“Penalty Notice Number” means a unique reference number;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, or corporation and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative and includes the **Owner of a Vehicle**;

“Screening Non-Appearance Fee” means an **Administrative Fee**, in respect of a **Person’s failure to appear** at a **Screening Review** meeting;

“Screening Officer” means a **Person** who performs the functions of a Screening Officer in accordance with this By-law and any other applicable **Town By-law**;

“Screening Review” means a review of an **Administrative Penalty** by a **Screening Officer**;

“Town” means the Corporation of the Town of Wasaga Beach.

3. APPLICATION

- 3.1 The **Town’s** By-laws, or portion of the **Town’s** By-laws, listed in Schedule ‘A’ of this By-law are hereby **Designated By-laws** to which the **Administrative Penalty** listed in Schedule ‘A’ of this By-law applies.
- 3.2 Schedule ‘A’ of this By-law sets out the short form wording to be used on a **Penalty Notice** for the contravention of a **Designated By-law**.
- 3.3 The **Administrative Fee(s)** imposed for the purposes of this By-law shall be as set out in the **Fees and Charges By-law**.
- 3.4 The *Provincial Offences Act, R.S.O., 1990, c. P. 33*, as amended, does not apply to a **Designated By-law** respecting the parking, standing, or stopping of vehicles.
- 3.5 Council is of the opinion that the powers delegated in this By-law are of a minor nature.

4. PENALTY NOTICE

- 4.1 An **Officer** who has reason to believe that a **Person** has contravened a **Designated By-law** may issue a **Penalty Notice** to that **Person** as soon as reasonably practical.
- 4.2 Every **Person** who contravenes a provision of a **Designated By-law** shall, upon service of a **Penalty Notice**, be liable to pay the **Town** an **Administrative Penalty** set out in the **Penalty Notice** by the due date.
- 4.3 A **Penalty Notice** shall include the following information:
- (a) the vehicle licence plate number or vehicle identification number, as applicable;
 - (b) the **Penalty Notice Date**;
 - (c) the **Penalty Notice Number**;
 - (d) the identification number and name of the issuing **Officer**;
 - (e) the short form wording for the contravention listed in Schedule 'A' of this By-law;
 - (f) the location of the contravention;
 - (g) the amount of the **Administrative Penalty**;
 - (h) when the **Administrative Penalty** is due and payable;
 - (i) the payment options;
 - (j) such information as the **General Manager** determines is appropriate, respecting the process by which a **Person** may exercise the **Person's** right to request a review of an **Administrative Penalty**; and
 - (k) a Statement advising that an **Administrative Penalty**, including any applicable **Administrative Fee(s)**, will constitute a debt of the **Person** to the **Town**, unless cancelled in accordance with the provisions of this By-law.

5. PAYMENT OF AN ADMINISTRATIVE PENALTY

- 5.1 Where an **Administrative Penalty** has been paid, the **Penalty Notice** shall not be subject to any further review.
- 5.2 An **Administrative Penalty** shall be deemed to have been paid when the **Administrative Penalty** and all applicable **Administrative Fee(s)** have been paid.
- 5.3 A **Person** who has been issued a **Penalty Notice** shall pay the **Administrative Penalty** within fifteen (15) days of the **date of service** of a **Penalty Notice**.

- 5.4 No **Officer** may accept payment of an **Administrative Penalty** or **Administrative Fee(s)** payable in accordance with this By-law.

6. NON-PAYMENT OF AN ADMINISTRATIVE PENALTY

- 6.1 Where a request for a **Screening Review** has not been made in accordance with Section 7 of this By-law, and the **Administrative Penalty** is not paid within fifteen (15) days of the **date of service** of the **Penalty Notice**:

- (a) the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, are deemed to be affirmed and payable, and is not subject to further review except as provided in Section 7.2; and
- (b) notwithstanding Section 7.2, the **Person** that the **Penalty Notice** was issued to, shall pay the **Town** a **Late Payment Fee** and the applicable **Certified Document Fee**.

7. REVIEW BY SCREENING OFFICER

- 7.1 A **Person** who is served with a **Penalty Notice** may request a **Screening Review** in accordance with Section 7.4 of this By-law on or before the date the **Administrative Penalty** is due and payable.
- 7.2 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** in accordance with Section 7.4 of this By-law within thirty (30) days of the **date of service** of the **Penalty Notice**.
- 7.3 A **Person's** right to request an extension of time for a **Screening Review** expires, if it has not been exercised within thirty (30) days of the **date of service** of the **Penalty Notice** and:
- (a) the **Person** shall be deemed to have waived the right to request a **Screening Review**;
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable; and
 - (c) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.
- 7.4 A **Person's** request for a **Screening Review** or request for an extension of time to request a **Screening Review** shall be made in a format provided by the **General Manager** for that purpose together with all relevant information, documents, photographs and videos.

- 7.5 The **Screening Officer** may grant a request to extend the time to request a **Screening Review** within the time prescribed in Section 7.2 of this By-law, where a **Person** demonstrates, to the satisfaction of the **Screening Officer**, the existence of extenuating circumstances.
- 7.6 Where an extension of time to request a **Screening Review** is not granted by the **Screening Officer**, the **Screening Officer** shall deliver in accordance with Section 9 of this By-law, a Notice, and:
- (a) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable; and
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including review by any Court.
- 7.7 A **Screening Review** shall be conducted by written form or by electronic document submission unless there is a requirement on a case-by-case basis, as determined by the **Screening Officer**, to provide the **Screening Review** through other means.
- 7.8 Where a **Screening Review** is being conducted by written form or by electronic document submission, the **Screening Officer** may request such information, documents, photographs and videos from the **Person** that requested the **Screening Review** as the **Screening Officer** considers relevant to the conduct of the **Screening Review**, and may rely upon the information, documents, photographs and videos provided without the need for the attendance of the **Person**.
- 7.9 Where a **Screening Review** is granted and is not being conducted by written form or by electronic document submission, the **Screening Officer** shall deliver in accordance with Section 9 of this By-law, a Notice of an Appointment for a **Screening Review**, to the **Person** that requested the **Screening Review** that contains:
- (a) the date and time of the **Screening Review** meeting;
 - (b) the format of the **Screening Review** meeting including details about the manner in which the **Screening Review** meeting will be held; and
 - (c) a statement that if the **Person fails to appear** that the:
 - (i) **Person** shall be deemed to have abandoned the request for a **Screening Review**;
 - (ii) **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable;
 - (iii) **Person** shall be required to pay the **Town a Screening Non-Appearence Fee**; and

- (iv) **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.

7.10 Where a **Person** or an authorized representative **fails to appear** for a **Screening Review** meeting, or **fails to respond** in accordance with a request by a **Screening Officer**:

- (a) the **Person** shall be deemed to have abandoned the request for a **Screening Review**;
- (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable;
- (c) the **Person** shall pay the **Town**, a **Screening Non-Appearance Fee**, where applicable; and
- (d) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.

7.11 Where a **Person** or an authorized representative, behaves in a disorderly, uncooperative, or abusive manner during the **Screening Review**, or refuses to appropriately participate in the **Screening Review**, the **Screening Officer** may end the **Screening Review**:

- (a) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed and payable; and
- (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.

7.12 The **Screening Officer** may request such information, documents, photographs or videos from a **Person** as the **Screening Officer** considers relevant to conduct the **Screening Review**.

7.13 The **Screening Officer** may request, consider and rely on information, documents, photographs and videos from an **Officer**, or other **Town** staff as the **Screening Officer** deems relevant, without the need for the attendance of the **Officer** or other **Town** staff, including but not limited to: a certified statement of an **Officer**, other documents respecting a contravention created by an **Officer**, and any other documents, photographs and videos prepared by an **Officer**, or other **Town** staff.

7.14 Upon completion of a **Screening Review**, a **Screening Officer** may affirm the **Administrative Penalty**, including any **Administrative Fee(s)**, or cancel or reduce the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, or extend the time for payment of the **Administrative Penalty**, and any applicable **Administrative Fee(s)** on the following grounds:

- (a) where a **Person** establishes on a balance of probabilities, that they did not contravene the **Designated By-law** as described in the **Penalty Notice**;
 - (b) the **Penalty Notice** is defective in substance or form;
 - (c) the **Penalty Notice** was not served in accordance with Section 9 of this By-law;
 - (d) the **Person's** prior history of non-compliance with a **Designated By-law**;
 - (e) whether the **Person** has any unpaid **Penalty Notices**; or
 - (f) where a **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, is necessary to relieve any financial or undue hardship.
- 7.15 A **Screening Officer** may give a decision orally at the time of the **Screening Review** meeting and shall deliver in accordance with Section 9 of this By-law a **Decision of a Screening Officer** to the **Person** that requested the **Screening Review**.
- 7.16 A **Screening Officer** may where multiple **Penalty Notices** have been issued to the same **Person**, review **Screening Review** requests together, if it is reasonably practical to do so, and the **Person** that requested a **Screening Review** does not object to doing so.
- 7.17 A **Person** that requested a **Screening Review** may cancel the **Screening Review** by paying the **Town** the **Administrative Penalty**, and any applicable **Administrative Fee(s)** prior to the **Screening Review**.
- 7.18 A **Screening Officer** conducting a **Screening Review** under this By-law does not have jurisdiction to consider any question relating to the validity of a statute, regulation or By-law including but not limited to the constitutional applicability or operability of any statute, regulation, or By-law.
- 8. APPEAL TO HEARING OFFICER**
- 8.1 Where an **Administrative Penalty** has not been cancelled, a **Person** may request a **Hearing** within fifteen (15) days of the **date of service** of the **Decision of a Screening Officer**.
- 8.2 If a **Person** does not request a **Hearing** within fifteen (15) days of the **date of service** of the **Decision of a Screening Officer**, the **Person** may request the **General Manager** to extend the time to request a **Hearing** within thirty (30) days of the **date of service** of the **Decision of a Screening Officer**.
- 8.3 A **Person's** right to request an extension of time for a **Hearing** expires, if it has not been exercised, within thirty (30) days of the **date of service** of the **Decision of a Screening Officer**, at which time:

- (a) the **Person** shall be deemed to have waived the right to request a **Hearing**;
 - (b) the **Decision of a Screening Officer**, which includes the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed on the date the **Decision of a Screening Officer** was issued and are payable; and
 - (c) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.
- 8.4 A **Person's** request for a **Hearing** or request for an extension of time to request a **Hearing** shall be made in a format provided by the **General Manager** for that purpose together with all relevant information, documents, photographs and videos.
- 8.5 A **General Manager** may grant a request to extend the time to request a **Hearing** within the time prescribed in Section 8.2 of this By-law, where a **Person** demonstrates, to the satisfaction of the **General Manager**, the existence of extenuating circumstances.
- 8.6 Where an extension of time to request a **Hearing** is not granted by the **General Manager**:
- (a) the **Decision of a Screening Officer**, which includes the **Administrative Penalty**, and any applicable **Administrative Fee(s)** are deemed to be affirmed on the date the **Decision of a Screening Officer** was issued and are payable; and
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to further review, including a review by any Court.
- 8.7 A **Hearing** shall be conducted as an **Electronic Hearing** unless there is a requirement on a case-by-case basis, as determined by the **General Manager**, to provide the **Hearing** through other means.
- 8.8 Prior to an **Electronic Hearing**, the **General Manager** shall deliver in accordance with Section 9 of this By-law, a Notice of an Appointment for a Hearing to the **Person** that requested a **Hearing**, that contains:
- (a) a reference to the statutory authority under which the **Hearing** will be held and the purpose of the **Hearing**;
 - (b) the date, time and details about the manner in which the **Hearing** will be held;
 - (c) the date, time and method for submitting any relevant information, documents, photographs and videos;
 - (d) information on how to obtain disclosure;

- (e) a statement that the **Person** may, by satisfying the **General Manager** that holding the **Hearing** as an **Electronic Hearing** is likely to cause the **Person** significant prejudice, require the **Hearing Officer** to hold the **Hearing** as an **Oral Hearing**, and the procedure to be followed for that purpose; and
- (f) a statement that if the **Person fails to appear**:
 - (i) the **Hearing Officer** may proceed in the **Person's** absence and the **Person** will not be entitled to any further notice in the proceeding;
 - (ii) the **Person** shall be required to pay the **Town** a **Hearing Non-Appearence Fee**;
 - (iii) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.

8.9 Prior to an **Oral Hearing**, the **General Manager** shall deliver in accordance with Section 9 of this By-law, a Notice of an Appointment for a Hearing, to the **Person** that requested a **Hearing**, that contains:

- (a) a reference to the statutory authority under which the **Hearing** will be held and the purpose of the **Hearing**;
- (b) the date, time and place of the **Hearing**;
- (c) the date, time and method for submitting any relevant information, documents, photographs or videos;
- (d) information on how to obtain disclosure; and
- (e) a statement that if the **Person fails to appear**:
 - (i) the **Hearing Officer** may proceed in the **Person's** absence and the **Person** will not be entitled to any further notice in the proceeding;
 - (ii) the **Person** shall be required to pay the **Town** a **Hearing Non-Appearence Fee**;
 - (iii) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.

8.10 A **person** who has been issued a Notice of Appointment for a **Hearing** may make a written request to the **General Manager** to reschedule the date of the **Hearing** provided such request is received by the **General Manager** two (2) business days prior to the **Hearing** date.

8.11 Where a **Person** or authorized representative **fails to appear** for a **Hearing** or **fails to respond** in accordance with a request by a **Hearing Officer**, the **Hearing Officer** may proceed with the **Hearing** in the **Person's** absence, or without the information to be supplied by the **Person** to the **Hearing Officer**, and the **Person** shall pay the **Town** a **Hearing Non-Appearence Fee**, where applicable.

- 8.12 Where a **Person** or an authorized representative, behaves in a disorderly, uncooperative, or abusive manner during a **Hearing**, or refuses to appropriately participate in the **Hearing**, the **Hearing Officer** may end the **Hearing**:
- (a) the **Administrative Penalty**, and any applicable **Administration Fee(s)** are deemed to be affirmed and payable; and
 - (b) the **Administrative Penalty**, and any applicable **Administrative Fee(s)** shall not be subject to any further review, including a review by any Court.
- 8.13 The provisions of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*, as amended, shall apply to all **Hearings** conducted under this By-law.
- 8.14 A **Hearing Officer** may request such information, documents, photographs and videos from a **Person** as the **Hearing Officer** considers relevant to conduct the **Hearing**.
- 8.15 A **Hearing Officer** may request, consider and rely on information, documents, photographs and videos from an **Officer**, or other **Town** staff as the **Hearing Officer** deems relevant, including but not limited to: a certified statement of an **Officer**, other documents respecting a contravention created by an **Officer**, and any other document prepared by an **Officer**, or other **Town** staff and materials presented to a **Hearing Officer**.
- 8.16 If evidence referred to Section 8.15 is being admitted at a **Hearing**, the **Hearing Officer** shall not **adjourn** the **Hearing** for the purpose of having an individual attend to give evidence unless the **Hearing Officer** is satisfied that the oral evidence of the individual is necessary to ensure a fair **Hearing**.
- 8.17 A **Hearing Officer** shall not make a decision respecting a review of a **Decision of a Screening Officer** unless the **Hearing Officer** has given the **Person** and a representative of the **Town** an opportunity to be heard at the scheduled **Hearing**.
- 8.18 A **Hearing Officer** is not bound by, and need not have regard for, any **Decision of a Screening Officer**.
- 8.19 After conducting a **Hearing**, a **Hearing Officer** may affirm the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, or cancel or reduce the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, or extend the time for payment of the **Administrative Penalty**, and any applicable **Administrative Fee(s)** on the following grounds:
- (a) where a **Person** establishes on a balance of probabilities, that they did not contravene the **Designated By-law** as described in the **Penalty Notice**;
 - (b) the **Penalty Notice** is defective in substance or form;

- (c) the **Penalty Notice** was not served in accordance with Section 9 of this By-law;
 - (d) the **Person's** prior history of non-compliance with a **Designated By-law**;
 - (e) whether the **Person** has any unpaid **Penalty Notices**; or
 - (f) where a **Person** provides clear and sufficient evidence to establish that the cancellation, reduction or extension of time for payment of the **Administrative Penalty**, and any applicable **Administrative Fee(s)**, is necessary to relieve any financial or undue hardship.
- 8.20 A **Hearing Officer** may **adjourn** a **Hearing** for a period no longer than thirty (30) days.
- 8.21 A **Hearing Officer** may amend the **Penalty Notice** as may be necessary if it appears that it fails to state or states defectively anything that is required to be stated. In considering whether or not an amendment should be made, the **Hearing Officer** shall consider the evidence presented at a **Hearing** and whether the **Person** has been misled or prejudiced by the error or omission and whether the proposed amendment can be made without injustice being done.
- 8.22 After a **Hearing** has concluded, a **Decision of a Hearing Officer** shall be delivered by the **General Manager** in accordance with Section 9 of this By-law to the **Person** that requested the **Hearing**.
- 8.23 The decision of a **Hearing Officer** is final, and shall not be subject to further review, including a review by any Court.
- 8.24 A **Person** who requested a **Hearing** may cancel the **Hearing** by paying the **Town** the **Administrative Penalty**, and any applicable **Administrative Fee(s)** as set out in the **Decision of a Screening Officer** up to the date of the **Hearing**.
- 8.25 A **Hearing Officer** conducting a **Hearing** under this By-law does not have jurisdiction to consider any question relating to the validity of a statute, regulation or By-law including but not limited to the constitutional applicability or operability of any statute, regulation, or By-law.

9. SERVICE OF DOCUMENTS

- 9.1 A document, notice or decision issued in accordance with this By-law, shall be served using one or more of the following methods of service noted in Column A below and is deemed served on the date noted in Column B below:

| COLUMN A Method of Service | COLUMN B Deemed Date of Service |
|-------------------------------|---|
| Personal | Date personally delivered to Person to whom it is addressed |
| Fax/Email | Date fax/email is sent to the Person's last known fax/email address |
| Regular/Registered Mail | Five (5) days after the date of mailing to the Person's last known mailing address |

- 9.2 Notwithstanding Section 9.1, an **Officer** shall serve a **Penalty Notice** for a contravention of a **Designated By-law** respecting the parking, standing, or stopping of vehicles on a **Person** who is the **Owner of a Vehicle** by using one or more of the following methods of service noted in Column A below and is deemed served on the date noted in Column B below:

| COLUMN A Method of Service | COLUMN B Deemed Date of Service |
|---|---|
| Affixing the Penalty Notice to the vehicle in a conspicuous place at the time of the contravention | Date affixed to the vehicle |
| Personal delivery of the Penalty Notice at the time of the contravention | Date personally delivered to Person having care and control of the vehicle |
| Regular/Registered Mail of the Penalty Notice | Five (5) days after the date of mailing to the Owner of the Vehicle |

- 9.3 For the purposes of this By-law, a **Person's** last known address, facsimile number, and electronic mail address includes:
- (a) an address, facsimile number and electronic mail address provided by the **Person** to the **Town** as may be required by a form, practice or policy under this By-law; or
 - (b) the most recent address that appears on the **Ministry's** records.

- 9.4 Where service is affected by multiple methods, the **date of service** shall be on the earliest applicable date.

10. ADMINISTRATION

- 10.1 The **General Manager** shall administer this By-law and establish any additional practices and procedures necessary to implement this By-law and may amend such practices and procedures from time to time, as the **General Manager** deems necessary, provided that such practices and procedures are not in conflict, or inconsistent with this By-law.
- 10.2 The **General Manager** shall prescribe all forms and notices including the **Penalty Notice**, necessary to implement this By-law and may amend such forms and notices from time to time, as the **General Manager** deems necessary, provided that the contents of such forms and notices are not in conflict, or inconsistent with this By-law.
- 10.3 The **General Manager** may cancel an **Administrative Penalty**, and any applicable **Administrative Fee(s)**, where a **Penalty Notice** was issued to a **Person** because an error was made by the **Town** or the licence plate or vehicle subject to the contravention had been stolen from the **Owner of the Vehicle** at the time of the contravention.
- 10.4 The **General Manager** may cancel an **Administrative Fee**, without cancelling the **Administrative Penalty**, where the **Administrative Fee** was imposed as a result of an error made by the **Town**.
- 10.5 Where a **Person** has paid an **Administrative Penalty**, a **Screening Review** or **Hearing** request will not be granted.
- 10.6 Where in the event of extenuating circumstances, a **Person fails to appear** for a **Hearing**, they may submit a written request to the **General Manager** that the matter be reviewed. Upon the **Person** providing evidence satisfactory to the **General Manager**, the **Hearing Non-Appearence Fee** may be cancelled, and an opportunity for another **Hearing** granted, with the decision of the **General Manager** being final.
- 10.7 The **General Manager** shall appoint such **Screening Officers** and **Hearing Officers** that are necessary for the administration of this By-law.
- 10.8 A **Person** shall pay an **NSF Fee** to the **Town** where payment of an **Administrative Penalty** or **Administrative Fee(s)** was unable to be processed, and payment was not received by the **Town**.

- 10.9 A **Person** shall pay a **Certified Document Fee** to the **Town** where the **Town** conducts a search, makes a request for or obtains documents, information or records from the **Ministry** for the purposes of administering and enforcing this By-law.
- 10.10 An **Administrative Penalty**, and any applicable **Administrative Fee(s)**, that are affirmed or reduced, or in respect of which the time for payment has been extended, is due and payable and constitutes a debt to the **Town** owed by the **Person** to whom the **Penalty Notice** was issued to.
- 10.11 Where an **Administrative Penalty**, and any applicable **Administrative Fee(s)**, are not paid by the **Person** to whom the **Penalty Notice** was issued to within thirty (30) days of the date on which they are due and payable, the **Town** may:
- (a) notify the **Ministry** of the default which shall result in plate denial; or
 - (b) pursue any other collection mechanisms available to the **Town**.
- 10.12 Where an **Administrative Penalty**, and any applicable **Administrative Fee(s)**, are not paid by the **Person** to whom the **Penalty Notice** was issued to within thirty (30) days of the date on which they are due and payable, the **Person** to whom the **Penalty Notice** was issued shall pay the **Town** the applicable **Certified Document Fee**.
- 10.13 Where the **Town** notifies the **Ministry** of a default under this By-law, the **Person** to whom the **Penalty Notice** was issued to shall pay any applicable administrative(s) fees imposed by the **Ministry**. The **Ministry** shall not validate the permit nor issue a new permit for the vehicle to which the **Administrative Penalty** and **Administrative Fee(s)** apply, until such time as the **Administrative Penalty** and **Administrative Fee(s)** are paid.
- 10.14 Where an **Administrative Penalty** is cancelled by a **Screening Officer** or **Hearing Officer**, any **Administrative Fee(s)** are also cancelled.
- 10.15 An authorized representative is permitted to appear on behalf of a **Person** who has been issued a **Penalty Notice** at a **Screening Review** meeting or **Hearing**, or to communicate with the **Town** on behalf of that **Person** upon producing written authorization.
- 10.16 Any time limit that would otherwise expire, is extended to the next day that is not a **Holiday**.

11. SEVERABILITY

- 11.1 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 provision, or part of a provision, shall 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.

12. SINGULAR AND PLURAL USE

- 12.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural, where applicable.

13. SCHEDULES

- 13.1 The following schedule attached hereto forms part of this By-law:

(a) Schedule 'A' - Designated By-laws and Administrative Penalties

14. AMENDMENTS

- 14.1 That By-law 2024-47 be amended by deleting Section 5.4 and replacing it with:

“5.4 AMPS By-law – Parking being By-law 2025-17, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of By-law 2025-17, as amended, shall upon the issuing of a penalty notice be and is liable to pay to the Town an administrative penalty in the amount set out in Schedule A of By-law 2025-17, as amended.”

15. REPEAL

- 15.1 That By-laws 2024-40 and 2024-60 are hereby repealed.

16. EFFECTIVE DATE

- 16.1 That this By-law shall come into force and take effect on May 15, 2025.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS 15th DAY OF MAY 2025.

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Brian Smith, Mayor

Nicole Rubli, Clerk

SCHEDULE A
DESIGNATED BY-LAWS AND ADMINISTRATIVE PENALTIES

1. For the purposes of Section 3.1 of this By-law:
 - (a) Column 1 in Table 1 below lists the designated provisions in the **Town's** Parking By-law Number 2024-47, as amended, that are hereby designated for the purposes of Section 3 (1) (b) of Regulation Number 333/07 of the **Municipal Act**;
 - (b) Column 2 in Table 1 sets out the short form wording to be used in a **Penalty Notice** for the contravention of the designated provisions listed in Column 1;
 - (c) Column 3 in Table 1 sets out the **Administrative Penalty** amounts that are payable by a **person** for a contravention of the designated provisions listed in Column 1.

TABLE 1

| | Column 1 Designated Provision | Column 2 Short Form Wording | Column 3 Administrative Penalty |
|----|-------------------------------------|---|------------------------------------|
| 1 | Section 3.1.1 | Park on or over sidewalk | \$75.00 |
| 2 | Section 3.1.2 | Park on or over a boulevard | \$75.00 |
| 3 | Section 3.1.3 | Park within 3 metres of Fire Hydrant | \$110.00 |
| 4 | Section 3.1.4 | Park in a manner as to obstruct traffic | \$75.00 |
| 5 | Section 3.1.5 | Park - Interfere with traffic | \$75.00 |
| 6 | Section 3.1.6 | Park within pedestrian crossover | \$75.00 |
| 7 | Section 3.1.7 | Park within intersection | \$75.00 |
| 8 | Section 3.1.8 | Park within 9 metres of intersection | \$75.00 |
| 9 | Section 3.1.9 | Park to display vehicle for sale | \$75.00 |
| 10 | Section 3.1.10 | Park within 1.5 metres of lane or driveway | \$75.00 |
| 11 | Section 3.1.11 | Park on or within 100 metres of a bridge | \$75.00 |
| 12 | Section 3.1.12 | Park a heavy vehicle | \$90.00 |
| 13 | Section 3.1.13 | Park more than 0.15 metres from far from curb | \$75.00 |
| 14 | Section 3.1.13 | Park left wheels to curb | \$75.00 |
| 15 | Section 3.1.13 | Park left wheels to boundary | \$75.00 |
| 16 | Section 3.1.14 | Park where prohibited by sign | \$75.00 |
| 17 | Section 3.1.15 | Park interfere with snow clearing | \$75.00 |
| 18 | Section 3.1.16 | Park between 1 AM and 7 AM | \$75.00 |

SCHEDULE A
DESIGNATED BY-LAWS AND ADMINISTRATIVE PENALTIES

TABLE 1 - CONTINUED

| | Column 1 Designated Provision | Column 2 Short Form Wording | Column 3 Administrative Penalty |
|----|-------------------------------------|---|------------------------------------|
| 19 | Section 3.1.17 | Stop where prohibited by sign | \$75.00 |
| 20 | Section 3.1.18 | Park detached trailer or camper on street | \$75.00 |
| 21 | Section 3.1.19 | Park on an unauthorized area | \$75.00 |
| 22 | Section 3.1.20 | Park in marked/ closed off area | \$75.00 |
| 23 | Section 3.1.21 | Park prohibited in electric charging station | \$75.00 |
| 24 | Section 3.2 | Park in tow away zone | \$110.00 |
| 25 | Section 3.3 | Park in fire route | \$110.00 |
| 26 | Section 3.4 | Park in designated disabled parking space | \$385.00 |
| 27 | Section 3.5 | Park in lot between 2 AM and 8 AM | \$75.00 |
| 28 | Section 3.6 | Park in designated bike lane | \$75.00 |
| 29 | Section 3.7 | Park oversized vehicle in prohibited area | \$110.00 |
| 30 | Section 3.8 | Park oversized vehicle between 2 AM and 8 AM | \$75.00 |
| 31 | Section 4.7 | Park validation ticket not visible | \$60.00 |
| 32 | Section 4.8 | Park validation ticket expired | \$60.00 |
| 33 | Section 4.10 | Park not entirely in single space | \$75.00 |
| 34 | Section 4.11 | Tamper with or damage parking control device | \$150.00 |
| 35 | Section 4.12 | Repair, service, paint vehicle without permission | \$150.00 |
| 36 | Section 4.13 | Park unlicensed vehicle on a highway | \$75.00 |
| 37 | Section 4.14 | Park unlicensed vehicle on a parking lot | \$75.00 |