

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW 2025-18

Being a By-law to establish a System of Administrative Monetary Penalties - Non-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 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 Section 434.1 of the *Municipal Act* authorizes a municipality to require a person, subject to such conditions as the municipality considers appropriate to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*, in order to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS Section 434.1(3) of the *Municipal Act* provides that the amount of an administrative penalty established by a municipality shall not be punitive in nature and shall not exceed the amount reasonably required to promote compliance with a by-law;

AND WHEREAS Section 434.2 of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality and may be added to the tax roll of a property located in the municipality if not paid within fifteen (15) days after the date it becomes due and payable;

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 Section 15.4.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, hereinafter referred to as the *Building Code Act*, authorizes a municipality to require a person, subject to such conditions as the municipality considers appropriate to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under Section 15.1 of the *Building Code Act* or an order made under Section 15.2 (2) of the *Building Code Act*;

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 including penalties for continuing contraventions and escalating penalties for repeat contraventions;

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 – Non-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 the Schedules 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, and notification about a vehicle or the **owner of a vehicle**;

“**Corporation**” means a separate legal entity incorporated pursuant to provincial or federal law;

“**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-Appearance 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, **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**;

“Tax Roll Address” means the mailing address and contact information for the owner of property that appears in the **Town’s** municipal tax assessment records;

“**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 the Schedules of this By-law are hereby **Designated By-laws** to which the **Administrative Penalties** listed in the Schedules of this By-law apply.
- 3.2 The Schedules of this By-law set 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 imposition of an **Administrative Penalty** does not limit the **Town’s** ability to initiate any other proceeding or seek any other remedy permitted by law as the **Town** deems appropriate to prevent the continuation or repetition of the contravention.
- 3.5 Notwithstanding Section 3.4, the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, will continue to apply to contraventions of a **Designated By-law**, except that no **Person** that is required to pay an **Administrative Penalty** under this By-law in respect of a contravention of a **Designated By-law** shall be charged with an offence in respect of the same contravention under the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 3.6 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 An **Officer** shall apply an escalated **Administrative Penalty** in accordance with the Schedules of this By-law, where a **Person** who has been issued a **Penalty Notice** contravenes the same designated provision of a **Designated By-law**.

4.4 A **Penalty Notice** shall include the following information:

- (a) the **Person(s)** name;
- (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 a contravention listed in the Schedules of this By-law;
- (f) the location of the contravention;
- (g) any other particulars of the contravention, if applicable;
- (h) the amount of the **Administrative Penalty**;
- (i) when the **Administrative Penalty** is due and payable;
- (j) the payment options;
- (k) 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
- (l) 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 thirty (30) days of the **date of service** of a **Penalty Notice**.

5.4 Where a **Penalty Notice** is issued in respect of a contravention of a **Designated By-law** for which the owners of a property are responsible, the **Penalty Notice** may name all **Persons** who are the registered owners of such property, and such **Persons** shall be jointly and severally liable to pay the **Administrative Penalty** on the **Penalty Notice**.

5.5 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 thirty (30) 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**.

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 forty-five (45) 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 forty-five (45) 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 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:

- (a) multiple **Penalty Notices** have been issued to the same **Person**; or
- (b) multiple **Penalty Notices** have been issued to multiple **Person(s)** regarding the same or related contraventions;

review **Screening Review** requests together, if it is reasonably practical to do so, and the **Person(s)** that requested a **Screening Review** do 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 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, decision or **Penalty Notice** 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 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 and includes a **tax roll address**; or
 - (b) the most recent address that appears on the **Ministry's** records.
- 9.3 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**.
- 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-Appearance 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) add the **Administrative Penalty**, and any applicable **Administrative Fee(s)** to the tax roll and collect it in the same manner as municipal taxes; or
 - (b) pursue any other collection mechanisms available to the **Town**.
- 10.12 Where an **Administrative Penalty** is cancelled by a **Screening Officer** or **Hearing Officer**, any **Administrative Fee(s)** are also cancelled.
- 10.13 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.
- 10.14 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 Schedules titled "Designated By-laws and Administrative Penalties" attached hereto form part of this By-law.

14. AMENDMENTS

- 14.1 That the By-laws listed below be amended as follows:

- (a) Building Maintenance By-law 2024-41 be amended by adding Section 11.2 to read:

“11.2 AMPS By-law – Non-Parking being By-law 2025-18, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of By-law 2025-18, 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 2025-18 as amended.”

- (b) Clean Neighbourhoods By-law 2024-43 be amended by deleting Section 6.1 and 6.2 replacing it with the following:

“6.1 AMPS By-law – Non-Parking being By-law 2025-18, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of By-law 2025-18, 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 2025-18 as amended.”

- (c) Fence Maintenance By-law 2024-44 be amended by deleting Section 5.1 and replacing it with the following:

“5.1 AMPS By-law – Non-Parking being By-law 2025-18, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of By-law 2025-18, 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 2025-18 as amended.”

- (d) Noise Disturbance By-law 2024-45 be amended by deleting Section 8.1 and replacing it with the following:

“8.1 AMPS By-law – Non-Parking being By-law 2025-18, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of By-law 2025-18, 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 2025-18 as amended.”

- (e) Nuisance By-law 2024-46 be amended by deleting Section 5.1 and replacing it with the following:

“5.1 AMPS By-law – Non-Parking being By-law 2025-18, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of By-law 2025-18, 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 2025-18 as amended.”

- (f) Special Events By-law 2024-49 be amended by deleting Section 14.8 and replacing it with the following:

“14.8 AMPS By-law – Non-Parking being By-law 2025-18, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of By-law 2025-18, 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 2025-18 as amended.”

- (g) Shopping Cart By-law 2024-50 be amended by deleting Section 10.1 and replacing it with the following:

“10.1 AMPS By-law – Non-Parking being By-law 2025-18, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of By-law 2025-18, 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 2025-18 as amended.”

15. EFFECTIVE DATE

15.1 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

Building Maintenance By-law

1. For the purposes of Section 11.1 of this By-law:
 - (a) Column 1 in Table 1 lists the provisions in the **Town's** Building Maintenance By-law 2024-41, as amended, that are hereby designated for the purposes of Section 434.1 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** excluding a **corporation** for a contravention of the designated provisions listed in Column 1 of the **Town's** Building Maintenance By-law 2024-41, as amended.

TABLE 1

	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty		
			First Contravention	Second Contravention	Subsequent Contravention
1	Section 11.1	Fail to comply with an order	\$400.00	\$550.00	\$750.00

**SCHEDULE A
DESIGNATED BY-LAWS AND ADMINISTRATIVE PENALTIES**

Clean Neighbourhood By-law

2. For the purposes of Section 2.1, 2.2, 2.3, 2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.4.5, 2.4.6, , 3.1.1, 3.1.2, 3.1.3, 3.2, 3.3, 3.4, 3.5, 4.1.1, 4.1.2, 4.1.3, 4.3, and 4.4 of this By-law:
- (a) Column 1 in Table 2 lists the provisions in the **Town's** Clean Neighbourhood's By-law 2024-43, as amended, that are hereby designated for the purposes of Section 434.1 of the **Municipal Act**;
 - (b) Column 2 in Table 2 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 2 sets out the **Administrative Penalty** amounts that are payable by a **Person** that is a **corporation** for a contravention of the designated provisions listed in Column 1 of the **Town's** Clean Neighbourhood's By-law 2024-43, as amended.

TABLE 2

	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty		
			First Contravention	Second Contravention	Subsequent Contravention
1	Section 2.1	Fail to keep property free of garbage, refuse, waste, or infestation	\$300.00	\$450.00	\$650.00
2	Section 2.1	Fail to keep property clear of household appliances	\$300.00	\$450.00	\$650.00
3	Section 2.1	Fail to keep property clear of discarded household furniture	\$300.00	\$450.00	\$650.00
4	Section 2.1	Fail to keep property clear of barrels, boxes, or empty fuel tanks	\$300.00	\$450.00	\$650.00
5	Section 2.1	Fail to keep property clear of wrecked, discarded or inoperative vehicles and/or equipment	\$300.00	\$450.00	\$650.00
6	Section 2.1	Fail to keep property clear of construction and household debris	\$300.00	\$450.00	\$650.00
7	Section 2.1	Fail to keep property clear of yard waste and tree debris	\$300.00	\$450.00	\$650.00

8	Section 2.1	Fail to keep property clear of uncollected household refuse or organic waste	\$300.00	\$450.00	\$650.00
9	Section 2.1	Fail to keep property clear of tires and discarded recreational or food waste	\$300.00	\$450.00	\$650.00
10	Section 2.1	Fail to keep property clear of hazardous or industrial liquid waste	\$300.00	\$450.00	\$650.00
11	Section 2.1	Fail to keep property clear of demolition debris and signage	\$300.00	\$450.00	\$650.00
12	Section 2.1	Fail to keep property clear of straw, hay, or manure	\$300.00	\$450.00	\$650.00
13	Section 2.1	Fail to keep property clear of straw, hay, or manure	\$300.00	\$450.00	\$650.00
14	Section 2.2	Fail to cut or trim weeds or turf grass exceeding 30 cm in height	\$300.00	\$450.00	\$650.00
15	Section 2.3	Fail to trim vegetation that is overgrown, causes infestation, erosion, or obstructs safety or public passage	\$400.00	\$550.00	\$750.00
16	Section 2.4.1	Fail to keep exterior property free from injurious insects, termites, rodents, vermin, or other pests	\$400.00	\$550.00	\$750.00
17	Section 2.4.2	Fail to remove noxious weeds or excessive weed and grass growth	\$400.00	\$550.00	\$750.00
18	Section 2.4.3	Fail to remove dead, decayed, or damaged trees or branches creating an unsafe or unsightly condition	\$400.00	\$550.00	\$750.00
19	Section 2.4.4	Fail to keep property free from firewood, building materials, or garden equipment in a tidy manner	\$300.00	\$450.00	\$650.00
20	Section 2.4.5	Fail to keep trash, organic, or recycling bins outside of front or side yard setbacks	\$300.00	\$450.00	\$650.00
21	Section 2.4.6	Fail to maintain suitable ground cover to prevent soil erosion, or failing to re-sod/re-seed dead grass areas	\$300.00	\$450.00	\$650.00
22	Section 3.1.1	Fail to provide sufficient lighting to ensure safe use of walkways and deter loitering	\$300.00	\$450.00	\$650.00

23	Section 3.1.2	Fail to maintain exterior lighting fixtures in a safe, operational, and visually acceptable condition	\$300.00	\$450.00	\$650.00
24	Section 3.1.3	Fail to keep recreational areas and equipment safe, operable, and in good condition	\$300.00	\$450.00	\$650.00
25	Section 3.2	Fail to promptly clear snow or treat icy surfaces on communal walkways, driveways, ramps, parking areas, or outdoor stairs and landings	\$300.00	\$450.00	\$650.00
26	Section 3.3	Fail to maintain vehicle traffic or parking areas with appropriate dust-free surfacing and free from ponding or disrepair	\$300.00	\$450.00	\$650.00
27	Section 3.4	Fail to provide or maintain clear markings for parking spaces and vehicle access in communal parking areas	\$300.00	\$450.00	\$650.00
28	Section 3.5	Fail to repave, resurface, or regrade walkways to maintain a smooth, safe, and slip-resistant surface	\$300.00	\$450.00	\$650.00
29	Section 4.1.1	Fail to keep property clear of derelict or inoperable motor vehicles	\$400.00	\$550.00	\$750.00
30	Section 4.1.2	Fail to keep property clear of unlicensed motor vehicles	\$400.00	\$550.00	\$750.00
31	Section 4.1.3	Fail to keep property clear of motor vehicle parts or components on lands used for human habitation	\$400.00	\$550.00	\$750.00
32	Section 4.3	Fail to keep property clear of wrecked, dismantled, inoperative, discarded, unused, or unlicensed vehicles or trailers outside a licensed establishment	\$400.00	\$550.00	\$750.00
33	Section 4.4	Fail to keep property clear of machinery, parts, or materials creating an unsafe or unsightly condition	\$400.00	\$550.00	\$750.00

**SCHEDULE A
DESIGNATED BY-LAWS AND ADMINISTRATIVE PENALTIES**

Fence Maintenance By-law

3. For the purposes of Section 4.1 of this By-law:
- (a) Column 1 in Table 2 lists the provisions in the **Town's** Fence Maintenance By-law 2024-44, as amended, that are hereby designated for the purposes of Section 434.1 of the **Municipal Act**;
 - (b) Column 2 in Table 2 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 2 sets out the **Administrative Penalty** amounts that are payable by a **Person** that is a **corporation** for a contravention of the designated provisions listed in Column 1 of the **Town's** Fence Maintenance By-law 2024-44, as amended.

Table 3

	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty		
			First Contravention	Second Contravention	Subsequent Contravention
1	Section 4.1	Fail to maintain fence in a structurally sound condition	\$200.00	\$350.00	\$550.00
2	Section 4.1	Fail to keep fence in good repair, free from cracks or damaged components	\$200.00	\$350.00	\$550.00
3	Section 4.1	Fail to keep fence free from hazards such as protruding nails, screws, or staples	\$200.00	\$350.00	\$550.00
4	Section 4.1	Fail to keep fence free from unauthorized signs, posters, or defacements	\$200.00	\$350.00	\$550.00
5	Section 4.1	Fail to maintain fence in a plumb (vertical) condition unless otherwise designed	\$200.00	\$350.00	\$550.00
6	Section 4.1	Fail to maintain a fence of uniform appearance	\$200.00	\$350.00	\$550.00
7	Section 4.1	Fail to prevent fence from creating an unsightly appearance	\$200.00	\$350.00	\$550.00

8	Section 4.1	Fail to protect fence from deterioration by applying uniform paint or using durable materials	\$200.00	\$350.00	\$550.00
9	Section 4.1	Use fence to support a structure or object exerting lateral force	\$200.00	\$350.00	\$550.00

**SCHEDULE A
DESIGNATED BY-LAWS AND ADMINISTRATIVE PENALTIES**

Noise Disturbance By-law

4. For the purposes of Section 3.1, 3.2, and 6.2 of this By-law:
- (a) Column 1 in Table 1 lists the provisions in the **Town's** Noise Disturbance By-law 2024-45, as amended, that are hereby designated for the purposes of Section 434.1 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** excluding a **corporation** for a contravention of the designated provisions listed in Column 1 of the **Town's** Noise Disturbance By-law 2024-45, as amended.

TABLE 4

	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty		
			First Contravention	Second Contravention	Subsequent Contravention
1	Section 3.1	Causing or permitting sound from the operation of a combustion engine outside the permitted times	\$300.00	\$450.00	\$650.00
2	Section 3.1	Cause or permit sound from any electronic device or other sound producing device outside the permitted times	\$300.00	\$450.00	\$650.00
3	Section 3.1	Cause or permit sound from audio or visual device that is likely to disturb that inhabitants outside the permitted times	\$300.00	\$450.00	\$650.00
4	Section 3.1	Cause or permit the ringing of bells or similar sounds by electronic means outside the permitted times	\$300.00	\$450.00	\$650.00

5	Section 3.1	Causing or permitting sound by the venting, releasing or pressure relief of air, steam or other material outside the permitted times	\$300.00	\$450.00	\$650.00
6	Section 3.1	Permit persistent barking, calling or whining from domestic animal or other animal	\$300.00	\$450.00	\$650.00
7	Section 3.1	Causing or permitting sound by operating commercial wash with drying equipment	\$300.00	\$450.00	\$650.00
8	Section 3.1	Causing or permitting sound by yelling, shouting, hooting or other boisterous activity	\$300.00	\$450.00	\$650.00
9	Section 3.1	Causing or permitting sound by operating a power assisted hang glider or parafoil	\$300.00	\$450.00	\$650.00
10	Section 3.1	Causing or permitting sound by operating any snow making equipment	\$300.00	\$450.00	\$650.00
11	Section 3.1	Causing or permitting sound in selling or advertising by shouting or outcry or amplified sound outside the permitted times	\$300.00	\$450.00	\$650.00
12	Section 3.1	Causing or permitting sound by loading or unloading products, materials or refuse	\$300.00	\$450.00	\$650.00
13	Section 3.1	Cause or permit sound from construction activities outside the permitted times from June 1 st to August 31 st	\$300.00	\$450.00	\$650.00
14	Section 3.1	Cause or permit sound from construction activities outside the permitted times from September 1 st to May 30 th	\$300.00	\$450.00	\$650.00

15	Section 3.1	Cause or permit sound from construction activities on Saturdays outside the permitted times	\$300.00	\$450.00	\$650.00
16	Section 3.1	Cause or permit sound from construction activities on Sundays	\$300.00	\$450.00	\$650.00
17	Section 3.1	Cause or permit sound from the operation of any construction equipment on weekdays outside the permitted times from June 1 st to August 31 st	\$300.00	\$450.00	\$650.00
18	Section 3.1	Cause or permit sound from the operation of any construction equipment on weekdays outside the permitted times from September 1 st to May 30 th	\$300.00	\$450.00	\$650.00
19	Section 3.1	Cause or permit sound from the operation of any construction equipment on Saturdays outside the permitted times	\$300.00	\$450.00	\$650.00
20	Section 3.1	Cause or permit sound from the operation of any construction equipment on Sundays	\$300.00	\$450.00	\$650.00
21	Section 3.1	Cause or permit sound from powered lawnmowers outside the permitted times in a residential zoned land	\$300.00	\$450.00	\$650.00
22	Section 3.1	Cause or permit sound from a powered lawnmower or landscape maintenance outside the permitted times in a non-residential zoned land	\$300.00	\$450.00	\$650.00
23	Section 3.1	Cause or permit sound from a powered lawnmower or landscape maintenance on Sundays outside the permitted	\$300.00	\$450.00	\$650.00

		times in a residential zoned land			
24	Section 3.1	Cause or permit sound from a powered lawnmower or landscape maintenance on Sundays outside the permitted times in a non-residential zoned land	\$300.00	\$450.00	\$650.00
25	Section 3.1	Cause or permit the operation of solid waste bulk lift or refuse compacting equipment outside the permitted times from Monday to Saturday	\$300.00	\$450.00	\$650.00
26	Section 3.1	Cause or permit the operation of solid waste bulk lift or refuse compacting equipment outside the permitted times on Sunday	\$300.00	\$450.00	\$650.00
27	Section 3.1	Cause or permit the operation of a commercial car wash of a type other than mentioned in item 7	\$300.00	\$450.00	\$650.00
28	Section 3.1	Cause or permit sound from property care, maintenance or recreation activity outside the permitted times	\$300.00	\$450.00	\$650.00
29	Section 3.2	Cause or permit a noise nuisance to conduct or continue	\$400.00	\$550.00	\$750.00
30	Section 6.2	Obstruct or attempt to Obstruct Officer	\$500.00	\$650.00	\$850.00

**SCHEDULE A
DESIGNATED BY-LAWS AND ADMINISTRATIVE PENALTIES**

Nuisance By-law

5. For the purposes of Section 3.1 and 3.2 of this By-law:
- (a) Column 1 in Table 2 lists the provisions in the **Town's** Nuisance By-law 2024-46, as amended, that are hereby designated for the purposes of Section 434.1 of the **Municipal Act**;
 - (b) Column 2 in Table 2 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 2 sets out the **Administrative Penalty** amounts that are payable by a **Person** that is a **corporation** for a contravention of the designated provisions listed in Column 1 of the **Town's** Nuisance By-law 2024-46, as amended.

TABLE 5

	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty		
			First Contravention	Second Contravention	Subsequent Contravention
1	Section 3.1	Engage in any activity in a public place that is prohibited or restricted by posted signage	\$300.00	\$450.00	\$650.00
2	Section 3.1	Loiter in a public place without lawful purpose	\$300.00	\$450.00	\$650.00
3	Section 3.1	Cause or permit excessive smoke, dust, or airborne particulate matter in a public place	\$400.00	\$550.00	\$750.00
4	Section 3.1	Cause or permit the operation of a combustion engine or pneumatic device without a functional muffler in continuous use	\$400.00	\$550.00	\$750.00
5	Section 3.1	Cause or permit the operation of a motorized vehicle in a location not designated for its use	\$400.00	\$550.00	\$750.00
6	Section 3.2	Soliciting or selling goods, services, or donations in a	\$300.00	\$450.00	\$650.00

		public place without Town authorization			
7	Section 3.2	Damaging, tipping, or attempting to tip over public fixtures such as mailboxes, benches, or waste containers	\$300.00	\$450.00	\$650.00
8	Section 3.2	Spitting, urinating, or defecating in a public place	\$300.00	\$450.00	\$650.00
9	Section 3.2	Applying graffiti to public or private property without the owner's permission	\$300.00	\$450.00	\$650.00
10	Section 3.2	Blocking or obstructing pedestrian, vehicular, or emergency traffic through any action or illegal parking	\$400.00	\$550.00	\$750.00
11	Section 3.2	Continuing prohibited activity after being directed to stop by an Officer or property occupier	\$400.00	\$550.00	\$750.00
12	Section 3.2	Damaging or attempting to damage public property	\$400.00	\$550.00	\$750.00
13	Section 3.2	Entering or remaining in a public place that is closed or restricted by the Town	\$400.00	\$550.00	\$750.00
14	Section 3.2	Racing a motorized vehicle outside of a sanctioned event	\$450.00	\$600.00	\$800.00
15	Section 3.2	Cause or permit the operation of a motor vehicle in a manner that causes tire squealing	\$450.00	\$600.00	\$800.00
16	Section 3.2	Using a vehicle horn or warning device unnecessarily or contrary to safety practices	\$450.00	\$600.00	\$800.00
17	Section 3.2	Failing to vacate premises when directed by the Occupier or their authorized representative	\$400.00	\$550.00	\$750.00
18	Section 3.2	Obstruct or attempt to Obstruct Officer	\$500.00	\$650.00	\$850.00
19	Section 3.2	Yelling, screaming, singing, swearing, or causing disruption that interferes with others' reasonable enjoyment of a public place	\$300.00	\$450.00	\$650.00

**SCHEDULE A
DESIGNATED BY-LAWS AND ADMINISTRATIVE PENALTIES**

Special Events By-law

6. For the purposes of Section 2.1, 3.1, 3.3, 3.4, 3.5, 3.6, and 14.2 of this By-law:
- (a) Column 1 in Table 2 lists the provisions in the **Town's** Special Events By-law 2024-49, as amended, that are hereby designated for the purposes of Section 434.1 of the **Municipal Act**;
 - (b) Column 2 in Table 2 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 2 sets out the **Administrative Penalty** amounts that are payable by a **Person** that is a **corporation** for a contravention of the designated provisions listed in Column 1 of the **Town's** Special Events By-law 2024-49, as amended.

Table 6

	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty		
			First Contravention	Second Contravention	Subsequent Contravention
1	Section 2.1	Holding, organizing, or sponsoring an event or activity attracting more than 500 people on Town property, public facilities, or private property without a Town-issued Permit	\$1,000	\$1,500	\$2,000
2	Section 3.1	Sponsoring, collecting money for, conducting, coordinating, facilitating, assisting, advertising, hosting, or participating in a Car Rally without a Special Event permit	\$500	\$1,000	\$1,500
3	Section 3.3	Attending or being a spectator at a Car Rally that does not have a Special Event permit	\$500	\$1,000	\$1,500
4	Section 3.4	Riding as a passenger in a motor vehicle during a Car Rally without a Special Event permit	\$500	\$1,000	\$1,500

5	Section 3.5	Allow a motor vehicle to participate in or be used for a Car Rally that does not have a Special Event permit	\$500	\$1,000	\$1,500
6	Section 3.6	Purposefully causing pedestrian or vehicular traffic to slow, stop, or be impeded as a result of a Car Rally	\$500	\$1,000	\$1,500
7	Section 14.2	Obstruct or attempt to Obstruct Officer	\$1,500	\$2,000	\$2,500

**SCHEDULE A
DESIGNATED BY-LAWS AND ADMINISTRATIVE PENALTIES**

Shopping Cart By-law

7. For the purposes of Section 4.1 and 4.2 of this By-law:
- (a) Column 1 in Table 1 lists the provisions in the **Town's** Shopping Cart By-law 2024-50, as amended, that are hereby designated for the purposes of Section 434.1 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** excluding a **corporation** for a contravention of the designated provisions listed in Column 1 of the **Town's** Shopping Cart By-law 2024-50, as amended.

TABLE 7

	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty		
			First Contravention	Second Contravention	Subsequent Contravention
1	Section 4.1	Owner fails to take reasonable and effective measures to prevent shopping carts from leaving the business premises or associated parking area	\$200.00	\$350.00	\$550.00
2	Section 4.2	Owner fails to ensure shopping carts are located, collected, and returned to the premises in a timely manner	\$200.00	\$350.00	\$550.00