

The Corporation of the City of Thorold

By-law No. 148-2019

Being a By-law to Establish a System of Administrative Penalties

Whereas the City of Thorold is authorized under the Municipal Act, 2001 to establish a system of administrative penalties for contraventions to municipal by-laws; and

Whereas the Municipal Act, 2001 further authorizes the City of Thorold, amongst other things, to delegate its authority and to impose fees or charges; and

Whereas the Council for the City of Thorold considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated City by-laws, or portions of the designated City by-laws

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

**1 SHORT TITLE**

(1) This By-law may be referred to as the “Administrative Penalty By-law”;

**2 DEFINITIONS**

(1) In this By-law:

“Administrative Fee” means any fee specified in this By-law and listed in Schedule “B”;

“Administrative Penalty” means any monetary penalty as set out in Schedule “A”, to this By-law for a contravention of a Designated By-law;

“By-law” means this By-law and any schedule to this By-law as they may, from time to time, be amended;

“Chief Building Official” means the Chief Building Official appointed by the City pursuant to the Building Code Act, 1992, as amended, or his or her designate;

“City” means the geographical area of the City of Thorold or the municipal corporation as the context requires;

“Day” means calendar day;

“Designated By-law” means a By-law or part of a By-law listed in Schedule “A” to this By-law;

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

“Late Payment Fee” means an Administrative Fee from time to time established by Council in respect of a Person’s failure to pay an Administrative Penalty within fifteen (15) Days from the date on which it is due and payable and listed in Schedule “B”;

“MTO Search Fee” means an Administrative Fee from time to time established by Council in respect of searching the records of the Ontario Ministry of Transportation and listed in Schedule “B”;

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

“Hearing Officer” means an individual appointed by City Council under authority of this By-law for the purpose of considering appeals of administrative penalties and carrying out any other duties in accordance with this By-law;

“Officer” means a Police Officer, municipal By-law Officer or any individual appointed under authority of a City By-law to enforce a Designated By-law;

“Penalty Notice” means a notice given pursuant to Section 4 of this By-law;

“Penalty Notice Number” means the reference number specified on the Penalty Notice that is unique to that Penalty Notice;

“Person” includes an individual, corporation, partnership or limited partnership and their authorized representative;

“Screening Officer” means an individual appointed from time to time by Council pursuant to the Screening and Hearing Officer By-law;

### **3 SCOPE**

- (1) This By-law applies to all Designated By-laws.
- (2) Any Designated By-law respecting the parking, standing or stopping of vehicles is designated for the purposes of paragraph 3(1)(b) of Ontario Regulation 333/07.
- (3) The Provincial Offences Act applies to all Designated By-laws except to a Designated By-law respecting the parking, standing or stopping of vehicles.
- (4) Screening Officers conducting a review under this By-law and Hearing Officers conducting an appeal under this By-law do 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.

### **4 PENALTY NOTICE**

- (1) Every Person who contravenes a provision of a Designated By-law shall be liable, upon issuance of a Penalty Notice, to pay an Administrative Penalty in an amount specified by the Designated By-law, for each Day or part of a Day on which the contravention continues.
- (2) An Officer who has reason to believe that a Person has contravened any provision of a Designated By-law may issue a Penalty Notice to that Person.
- (3) A Penalty Notice shall include the following information:
  - (a) the date of the contravention;
  - (b) the date of issuance of the Penalty Notice;
  - (c) a reference number that is unique to the Penalty Notice;

- (d) particulars of the contravention;
  - (e) the amount of the Administrative Penalty
  - (f) information respecting the process by which the Person may pay the Administrative Penalty or request a review of the Administrative Penalty; and
  - (g) a statement that the Administrative Penalty unless cancelled or reduced as a result of the review or appeal processes, constitutes a debt to the City.
- (4) A Person who has been issued a Penalty Notice shall, within fifteen (15) Days after the Penalty Notice's date of issuance:
- (a) Pay the Administrative Penalty;
  - (b) Request the Administrative Penalty be reviewed by a Screening Officer in accordance with sentence 4(5);
  - (c) Request an extension of time to pay the Administrative Penalty in accordance with sentence 4(5); or
  - (d) Request an extension of time to request a review by a Screening Officer in accordance with sentence 4(5).
- (5) A Person's request referred to in clauses 4(4) (b), (c) or (d) must be exercised by giving the City written notice of the request that includes:
- (a) The Penalty Notice number;
  - (b) The date of issuance of the Penalty Notice
  - (c) The Person's name;
  - (d) The Person's mailing address and, if applicable, email address;
  - (e) The reasons, if any, for having failed to exercise the right to pay the Administrative Penalty or request a review within fifteen (15) Days after the Penalty Notice's date of issuance
- (6) If a Person who has been issued a Penalty Notice has not acted in accordance with sentence 4(4), then:
- (a) They are deemed to have waived their right to request a review;
  - (b) The Administrative Penalty shall be deemed to be confirmed on the sixteenth (16<sup>th</sup>) Day following the Penalty Notice's date of issuance;
  - (c) The Administrative Penalty shall be subject to a Late Payment Fee indicated in Schedule "B";
  - (d) The Person shall be notified, in writing, of the outstanding Administrative Penalty and associated Administrative Fee(s); and

- (e) The Administrative Penalty is not subject to any further review or appeal, including a review or appeal to any court.
- (7) In addition to sentence 4(6), any Person who is served a Penalty Notice related to a parking, standing or stopping of a vehicle infraction and does not exercise their options in accordance with sentence 4(4), shall:
- (a) Pay an MTO Search Fee indicated in Schedule “B”; and
  - (b) Be given twenty-one (21) Days to pay the Administrative Penalty and associated Administrative Fee(s).
- (8) When any Person fails to pay the Administrative Penalty and associated Administrative Fee(s) in accordance with sentence 4(7), the City shall notify the Registrar of Motor Vehicles of the default.
- (9) If a Person who has been issued a Penalty Notice has requested an extension of time to pay the Administrative Penalty in accordance with sentences 4(4) and 4(5), then:
- (a) They are deemed to have waived their right to request a review;
  - (b) The Administrative Penalty is payable no later than:
  - (c) The date as determined by the Screening Officer; or
    - (i) If the request for extension is refused, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed; and
    - (ii) The Administrative Penalty is not subject to any further review or appeal, including a review or appeal to any court.
- (10) If a Person who has been issued a Penalty Notice has requested an extension of time to request the Administrative Penalty be reviewed in accordance with sentences 4(4) and 4(5), then;
- (a) The request for review must be received no later than the date as determined by the Screening Officer; or
  - (b) If the request for extension is refused, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed; and
  - (c) The Administrative Penalty is not subject to any further review or appeal, including a review or appeal to any court.

## **5 REVIEW BY SCREENING OFFICER**

- (1) If a Person requests an in-person review before a Screening Officer, the Person shall be notified in writing of the date, time and place to appear for the review.

- (2) After considering a request to review referred to in clause 4(4)(b), a Screening Officer may decide to:
  - (a) Affirm the Administrative Penalty;
  - (b) Cancel the Administrative Penalty;
  - (c) Reduce the Administrative Penalty; or
  - (d) Extend the time for payment of the Administrative Penaltywhere the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and that:
  - (a) There is reason to doubt that the Person contravened the Designated By-law;
  - (b) The Person took all reasonable steps to prevent the contravention; or
  - (c) The cancellation, reduction or extension of time for payment is necessary to relieve undue financial hardship.
- (2) After considering a request for an extension of time referred to in clauses 4(4) (c) or (d), a Screening Officer may decide to:
  - (a) Grant an extension of time to pay, if the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevent the Person from making the payment in accordance with clause 4(4)(a);
  - (b) Refuse an extension of time to pay;
  - (c) Grant an extension of time to request a review, if the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the Person from requesting the review in accordance with clause 4(10)(b); or
  - (d) Refuse an extension of time to request a review.
- (3) The Screening Officer may request such information from a Person as the Screening Officer considers relevant to a request to extend the time to pay or a request to extend the time to request a review.
- (4) A Screening Officer shall inform a Person, in writing, of his or her decision at the conclusion of a review.
- (5) If a Person fails to attend at the date, time and place scheduled in accordance with sentence 5(1):
  - (a) A Screening Non-Appearance Fee shall be added to the Administrative Penalty;
  - (b) The Administrative Penalty and associated Administrative Fee(s) are payable on the date of the missed review; and

- (c) The Administrative Penalty is not subject to any further review or appeal, including a review or appeal to any court.

## **6 APPEAL TO HEARING OFFICER**

- (1) A Person who has been issued a decision from a Screening Officer may, within fifteen (15) Days after the date on which the Screening Officer's decision is given to them:
  - (a) Accept the decision of the Screening Officer and pay any outstanding Administrative Penalty and associated Administrative Fee(s);
  - (b) Request an appeal of the Screening Officer's decision; or
  - (c) Request an extension of time to request an appeal of the Screening Officer's decision.
- (2) A Person's request referred to in clauses 6(1)(b) or (c) must be exercised by giving the City written notice of the request that includes:
  - (a) The Penalty Notice number;
  - (b) The date of issuance of the Penalty Notice;
  - (c) The Person's name; and
  - (d) The Person's mailing address and, if applicable, email address.
- (3) If a Person requests an appeal before a Hearing Officer, the Person shall be notified in writing of the date, time and place to appear for the appeal.
- (4) If a Person who has been given a Screening Officer's decision has not acted in accordance to sentence 6(1), then:
  - (a) They are deemed to have waived their right to appeal;
  - (b) The Screening Officer's decision is affirmed;
  - (c) The Administrative Penalty is payable no later than:
    - (i) The date as determined by the Screening Officer; or
    - (ii) Fifteen (15) Days after the date of the Screening Officer's decision, whichever date is later; and
    - (iii) The Administrative Penalty is not subject to any further review or appeal, including a review or appeal to any court.
- (5) After considering a request for an extension of time referred to in clause 6(1)(c), a Hearing Officer may decide to:
  - (a) Grant an extension of time to request an appeal, if the Person demonstrates, on a balance of probabilities, the existence of

extenuating circumstances that prevented the Person from requesting the appeal in accordance with clause 6(1)(b); or

- (b) Refuse an extension of time to request a review.
- (6) The Hearing Officer may request such information from a Person as the Hearing Officer considers relevant to a request to extend the time to appeal.
  - (7) If a Hearing Officer does not extend a Person's time to appeal then:
    - (a) The Screening Officer's decision is affirmed; and
    - (b) The Administrative Penalty is not subject to any further review or appeal, including a review or appeal to any court.
  - (8) After considering an appeal, including hearing from the parties, a Hearing Officer may decide to:
    - (a) Affirm the Administrative Penalty;
    - (b) Cancel the Administrative Penalty;
    - (c) Reduce the Administrative Penalty; or
    - (d) extend the time for payment of the Administrative Penalty

where the Hearing Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and that:

- (a) There is reason to doubt that the Person contravened the Designated By-law;
  - (b) The Person took all reasonable steps to prevent the contravention; or
  - (c) The cancellation, reduction or extension of time for payment is necessary to relieve undue financial hardship.
- (9) The Hearing Officer may request such information from a Person as the Hearing Officer considers relevant to considering an appeal.
  - (10) The *Statutory Powers Procedure Act* applies to the consideration of an appeal by a Hearing Officer.
  - (11) In addition to anything else that is admissible as evidence to an appeal in accordance with the *Statutory Powers Procedure Act*, the following are admissible as evidence as proof of the facts certified in them, in the absence of evidence to the contrary;
    - (a) A statement of an Officer respecting a contravention;
    - (b) A copy of a document, including but not limited to a photograph taken by an Officer, respecting a contravention;
    - (c) A statement of an Officer that he or she served a document, with the date and method of service indicated.

- (12) If certified evidence referred to in sentence 6(10) is being admitted as evidence at an appeal, the Hearing Officer shall not adjourn the appeal for the purpose of having the Officer attend to give evidence unless the Hearing Officer is satisfied that the oral evidence of the Officer is necessary to ensure a fair appeal.
- (13) A Hearing Officer shall give the written decision to the Person at the conclusion of the hearing.
- (14) If a Hearing Officer's decision affirms, reduces or extends the time to pay an Administrative Penalty, the Administrative Penalty is payable no later than:
  - (a) The date as determined by the Hearing Officer; or
  - (b) The date of the Hearing Officer's decision.
- (15) A Hearing Officer's decision is final and is not subject to any further review or appeal, including a review or appeal by any court.
- (16) If a Person fails to attend at the date, time and place scheduled in accordance with sentence 6(3):
  - (a) They are deemed to have waived their right to appeal;
  - (b) The Screening Officer's decision is affirmed;
  - (c) A Hearing Non-Appearance Fee shall be added to the Administrative Penalty; and
  - (d) The Administrative Penalty is not subject to any further review or appeal, including a review or appeal to any court.

## **7 FINANCIAL ADMINISTRATION**

- (1) An Officer cannot accept payment of an Administrative Penalty.
- (2) If a Person's Administrative Penalty is paid, then:
  - (a) They are deemed to have waived their right to request a review or to appeal; and
  - (b) The Administrative Penalty is not subject to any further review or appeal, including a review or appeal to any court.
- (3) An Administrative Penalty that is not paid on the date when it is payable is a debt to the City owed by the Person to whom the Penalty Notice was given.
- (4) Where an Administrative Penalty or any Administrative Fee(s) respecting that Administrative Penalty are not paid within fifteen (15) Days after the date that they become due and payable, each Person to whom the Penalty Notice was given shall pay to the City a Late Payment Fee.



- (5) Where an Administrative Penalty and Administrative Fee(s) respecting the Administrative Penalty are not paid within sixty (60) Days after the date that they become due and payable, the treasurer of the municipality may add the Administrative Penalty and Administrative Fee(s) to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the Administrative Penalty and Administrative Fee(s), and collect it in the same manner as municipal taxes.

## **8 SERVICE OF DOCUMENTS**

- (1) The City may serve any document under this By-law, including but not limited to a Penalty Notice, personally to the Person named on the notice, by leaving or posting the document at the Person's last known address, by facsimile transmission (fax), electronic transmission (email) or registered or regular mail addressed to the Person to whom the document is to be given at the Person's last known number or address.
- (2) Service by facsimile transmission (fax) or electronic transmission (email) under sentence 8(1) shall be deemed to have been made on the Day on which the transmission is sent.
- (3) Service by registered or regular mail under sentence 8(1) shall be deemed to have been made on the fifth (5<sup>th</sup>) Day after the Day of mailing.
- (4) A Person's last known number or address includes the number or address provided by the Person to the City in the course of any transaction between the City and the Person.
- (5) In addition to the service of documents provided for under sentence 8(1), an Officer may serve the Penalty Notice for a contravention of a Designated Bylaw respecting the parking, standing or stopping of vehicles on the Person who is the owner of the vehicle by:
  - (a) Affixing the Penalty Notice to the vehicle in a conspicuous place; or
  - (b) Giving it personally to the Person who has care or control of the vehicle, at the time of the contravention.
- (6) Service under sentence 8(5) shall be deemed to have been made at the time the Penalty Notice is affixed to the vehicle or given to the Person.

## **9 APPOINTMENT OF HEARING OFFICER**

- (1) Council shall appoint eligible candidates;
  - (a) With knowledge of and experience in administrative law; and
  - (b) of good character, as Hearing Officers.
- (2) In this section "family member" means:
  - (a) A child, which is a Person born within or outside marriage and includes an adopted child and a Person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

- (b) A parent, which is a Person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that Person is the natural parent or child;
  - (c) A spouse, which is a Person to whom the Person is married or with whom the Person is living in a conjugal relationship outside of marriage;
  - (d) A sibling, aunt, uncle, niece or nephew including a step-sibling, step-aunt, step-uncle, step-niece or step-nephew; or
  - (e) A mother-in-law, father-in-law, sister-in-law or brother-in-law including a step-mother-in-law, step-father-in-law, step-sister-in-law or step-brother-in-law.
- (3) The following are not eligible for appointment as a Hearing Officer:
- (a) A City employee or a member of City Council;
  - (b) A family member of a City employee;
  - (c) A family member of a member of City Council;
  - (d) A Person indebted to the City unless the debt is for current property taxes or as a result of an agreement with the City under which the Person is in compliance.
- (4) A Hearing Officer shall be appointed for the term or the remainder of term of the City Council that makes the appointment until the Hearing Officer is reappointed or a successor is appointed.
- (5) A Hearing Officer shall be remunerated at a rate established by the City Council from time to time.
- (6) No Person shall attempt, directly or indirectly, to communicate with or influence a Hearing Officer respecting an appeal except a Person who is entitled to be heard during the appeal while the appeal is being heard.
- (7) Sentence 9(6) does not prevent a Hearing Officer from seeking and receiving legal advice.
- (8) A Person who contravenes sentence 9(6) of this By-law is guilty of an offence and is liable, upon conviction, to the maximum fine as established under the *Provincial Offences Act*.

## **10 GENERAL PROVISIONS**

- (1) The Chief Building Official is responsible for administering the provisions of this By-law, including but not limited to prescribing the format and content of any forms or other documents required under this By-law.
- (2) The Chief Building Official may cancel an Administrative Penalty or any Administrative Fee that has been added to an Administrative Penalty or both:

- (a) If the Administrative Penalty or Administrative Fee or both were imposed as the result of an error made by the City; or
- (b) In the case of a contravention with respect to the parking, standing or stopping of a vehicle:
  - (i) If the Person's license plate or the vehicle had been stolen at the time of the contravention; or
  - (ii) At the request of an owner of the private property where the contravention took place.
- (3) Any time limit under this By-law that would otherwise expire on a Day on which the City's administrative buildings are not open for business is extended to the next Day on which the City's administrative buildings are open for business.
- (4) Schedules "A", "B" and "C" form part of this By-law.
- (5) All processes respecting administrative penalties commenced under By-law 71-2014 are continued under this By-law.

## **11 SEVERABILITY**

- (1) If a court of competent jurisdiction declares any provision of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

## **12 COMING INTO FORCE**

- (1) By-laws No. 71-2014 and 120-2018 are repealed.
- (2) This By-law comes into force on the date it is passed.

Read a first, second and third time and finally passed by Council this 17<sup>th</sup> day of December, 2019.

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Terry Ugolini, Mayor

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Donna Delvecchio, City Clerk

## SCHEDULE "A"

### DESIGNATED BY-LAWS

1. The following tables set out the Designated By-laws, short form wording and the set penalty for each offence.

<b>TABLE 1: DESIGNATED BY-LAW NO. 109-2017 RESIDENTIAL RENTAL LICENSING BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
3.1.1.	No License – Carry on a Residential Rental Business	\$500
3.1.2.	No License – Permit a Person to carry on a Residential Rental Business	\$500
3.1.3.	No License – Collect Rent or permit Rent to be collected for a Rental Unit	\$500
3.1.4.	No License – Hold themselves out as being licensed to carry on a Residential Rental Business	\$500
3.2.	Fail to Comply with term or condition of License	\$500
3.4.	Provide false or misleading information to City	\$500
15.3.	Hinder or obstruct Officer in carrying out duties under By-law	\$500

<b>TABLE 2: DESIGNATED BY-LAW NO. 169-2015 SNOW REMOVAL BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
2.	Fail to clear away or remove snow and/or ice	\$50
3.	Fail to sprinkle slippery sidewalk with suitable material	\$50
5.	Throw, place, bring or deposit snow or ice to prohibited location	\$50
6.	Damage or allowed damage to sidewalk, boulevard or curb	\$500

<b>TABLE 3: DESIGNATED BY-LAW NO. 131-2007 PRIVATE PROPERTY PARKING BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
3.1.	Park without a permit	\$30
4.1.(a)	Park display expired permit	\$30
4.1.(b)	Park no ticket	\$30
5.1.(a)	Stop/Stand/Park not within designated space	\$30
5.1.(b)	Park for longer than 12 hours	\$30
5.1.(c)	Park obstructing driveway/laneway	\$100
5.1.(d)	Park where prohibited	\$30
5.1.(e)	Stop on sidewalk	\$30
5.1.(f)	Stop where prohibited	\$30
5.1.(g)	Park over time limit	\$30

<b>TABLE 4: DESIGNATED BY-LAW NO. 150-2012 PARKING AND TRAFFIC BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
3.1.1.(1)	Stop or park facing the wrong way	\$30
3.1.1.(2)	Stop or park too far from edge of road	\$30
3.2.1.(1)	Stop or park facing the wrong way on the left side of a one-way highway	\$30
3.2.1.(3)	Stop or park too far from the left edge/curb of a one-way highway	\$30
3.3.1.	Stop or park not within designated space	\$30
3.4.1.	Stop or park on roadway side of other vehicle	\$50
3.5.1.	Stop or park on shoulder/boulevard	\$30
3.6.1.	Park large motor vehicle/truck in a residential zone	\$30

3.7.1.(1)	Stop on a sidewalk	\$30
3.7.1.(2)	Stop within an intersection	\$30
3.7.1.(3)	Stop adjacent to obstruction so as to impede traffic	\$100
3.7.1.(4)	Stop on/in or within 30m of bridge, structure, tunnel	\$30
3.7.1.(5)	Stop on or beside median	\$30
3.8.1.(1)	Stop within 30m of school crossing or crosswalk	\$30
3.8.1.(2)	Stop within 30 of railway crossing where prohibited by sign	\$50
3.8.1.(3)	Stop near school or playground where prohibited by sign	\$50
3.8.1.(4)	Stop within 15m of intersection where prohibited by sign	\$50
3.8.1.(5)	Stop within 60m of intersection controlled by traffic signal	\$30
3.11.1.	Stop where prohibited by sign	\$50
3.9.1.	Park on apron	\$30
3.9.1.(1)	Park within 10m of an intersection	\$30
3.9.1.(2)	Park within 3m of hydrant	\$75
3.9.1.(3)	Park on an inner/outer boulevard	\$30
3.9.1.(4)	Park on driveway too close to roadway	\$30
3.9.1.(5)	Park obstructing driveway	\$75
3.9.1.(6)	Park as to block vehicle	\$75
3.9.1.(7)	Park for sale/display	\$30
3.9.1.(8)	Park for servicing other than an emergency	\$30
3.9.1.(9)	Park for longer than 12 hours	\$30
3.9.1.(11)	Park without valid plates	\$30
3.10.1.(1)	Park near fire hall where prohibited	\$100
3.10.1.(2)	Park near intersection where prohibited by sign	\$50
3.10.1.(3)	Park near signalized intersection where prohibited by sign	\$50
3.10.1.(4)	Park near public building where prohibited by sign	\$50
3.10.1.(5)	Park near driveway where prohibited by sign	\$50
3.10.1.(6)	Park on narrow roadway where prohibited by sign	\$50
3.10.1.(7)	Park near crosswalk where prohibited by sign	\$50
3.10.1.(8)	Park as to interfere with a funeral procession where prohibited by sign	\$50
3.10.1.(9)	Park within 15m of the termination of a dead end of roadway where prohibited	\$30
3.12.1.	Park where prohibited by sign	\$50
3.13.1.	Park in a school bus loading zone	\$75
3.14.1.	Park exceeding time limit where prohibited by sign	\$30
3.15.1.	Park trailer/commercial vehicle where prohibited by sign	\$50
3.16.1.	Stop in loading zone	\$75
3.9.1.(10)	Park as to interfere with snow removal	\$100
4.4.1.(2)	Park at expired meter	\$30
4.5.2.	Park with expired ticket	\$30
4.5.2.	Park without ticket	\$30

<b>TABLE 5: DESIGNATED BY-LAW NO. 131-2007 PRIVATE PROPERTY PARKING BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
3.1.	Park without a permit	\$30
4.1.(a)	Park display expired permit	\$30
4.1.(b)	Park no ticket	\$30
5.1.(a)	Stop/Stand/Park not within designated space	\$30
5.1.(b)	Park for longer than 12 hours	\$30
5.1.(c)	Park obstructing driveway/laneway	\$75
5.1.(d)	Park where prohibited	\$30
5.1.(e)	Stop on sidewalk	\$30
5.1.(f)	Stop where prohibited	\$30
5.1.(g)	Park over time limit	\$30

<b>TABLE 6: DESIGNATED BY-LAW NO. 132-2007 FIRE ROUTE BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
3.1.	Stop/Stand/Park in a designated fire route	\$150

<b>TABLE 7: DESIGNATED BY-LAW NO. 146-2019 CLEAN YARDS BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
2.1.	Fail to keep vegetation clean and cleared up	\$150
2.1.	Fail to keep watercourse free of obstruction	\$150
2.2.	Fail to keep land free of standing water	\$150
2.3.	Littering without written authority	\$200
2.3.	Fail to keep land clean or clear free of posters	\$50
2.4.	Fail to keep land clear of waste	\$200
2.5.	Use of land for storing of inoperative vehicles and parts thereof	\$150

<b>TABLE 8: DESIGNATED BY-LAW NO. 46-2017 PUBLIC NUISANCE BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
2.1.	Urinate, defecate, vomit or spit in a public place	\$500
3.1.	Knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, fence, bench, blue box, garbage container or other structure or object in a public place	\$300
5.1.	Loiter in a public place	\$150
5.2.	Participate in a fight in a public place	\$300
5.4.	Leave, throw or deposit and bottles, glasses or material on public or private property	\$300
5.5.	Cause, permit or allow large doors or garage type doors of premises serving alcohol to remain open after 11:00pm	\$300
4.1. and 4.2.	Participate in a nuisance party	\$300

<b>TABLE 9: DESIGNATED BY-LAW NO. 44-2018 SIGN BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
3.1.	Erect, locate or display a sign without a permit	\$200
3.1.	Erect, locate or display a sign in non-conformance with permit	\$200
3.1.	Erect, locate or display a prohibited sign	\$200
3.1.	Erect, locate or display a sign on or over public property	\$200

<b>TABLE 10: DESIGNATED BY-LAW NO. 27-2014 NOISE CONTROL BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
2.1.2.(1)	Cause or permit noise from a bell, horn, siren or other warning device on a motor vehicle	\$300
2.1.2.(2)	Cause or permit noise from grating, grinding or rattling sound by motor vehicle in disrepair	\$300
2.1.2.(3)	Cause or permit noise by the operation of a motor vehicle, trailer or other vehicle bearing material or articles	\$300
2.1.2.(4)	Cause or permit loud or explosive noises from exhaust of engine or pneumatic device	\$300
2.1.2.(5)	Cause or permit noise from the operation of an engine/motor/auxiliary equipment exceeding 10 minutes	\$300
2.1.2.(6)	Cause or permit noise from the racing of any motorized conveyance	\$300
2.1.2.(7)	Cause or permit noise by the squealing of tires of a motor vehicle	\$300

2.1.2.(8)	Cause or permit noise from a radio, amplifier, loud speaker, public address system or equipment from a motor vehicle, trailer or conveyance	\$300
2.1.2.(9)	Cause or permit noise from steam or air whistle	\$300
2.1.2.(10)	Cause or permit the persistent operation of a horn or other warning device	\$300
2.1.2.(11)	Cause or permit persistent barking, calling whining or similar persistent noise by domestic animal	\$300
2.1.3.(1)	Cause or permit noise from device or instrument that is audible within residential unit with windows closed	\$300
2.1.3.(2)	Cause or permit noise from device or instrument for advertising that is audible from street or public place	\$300
2.2.	Cause or permit noise during a prohibited time	\$300

<b>TABLE 11: DESIGNATED BY-LAW NO. 30-2019 GRAFFITI MANAGEMENT BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
3.1.	Place, cause or permit graffiti to be placed on property	\$300
3.2.	Fail to maintain property free of graffiti	\$100

<b>TABLE 12: DESIGNATED BY-LAW NO. 28-2008 FENCE BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
2.1.5.	Erect or cause to be erected any fence, hedge or privacy screen in residential zone constructed of sheet metal or corrugated metal panel members	\$75
2.1.6.	Erect, cause to be erected or keep on any land a fence, hedge or privacy screen not in a good state of repair	\$75
2.1.8.	Hinder or obstruct Officer in carrying out duties under By-law	\$500
2.2., 2.3. and 3.2.	Erect or cause to be erected a fence, hedge or privacy screen exceeding permitted height	\$75
2.4. and 3.5.	Erect or cause to be erected a fence or privacy screen within a sight triangle	\$200
2.6.	Erect or cause to be erected an electric fence	\$500
2.7.	Erect or cause to be erected or maintained a fence composed wholly or partially of barbed wire	\$300
2.8. and 3.6.	Erect, cause to be erected or maintained a fence or privacy screen composed wholly or partially of used tires	\$200
3.3.	Erect or cause to be erected a privacy screen in a front yard	\$75
3.4.	Erect or cause to be erected a privacy screen closer to lot line than permitted	\$75

<b>TABLE 13: DESIGNATED BY-LAW NO. 27-2008 POOL BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
2.1.1.	Erect outdoor swimming pool without obtaining a permit	\$500
1.4.3.	Failure to lock cover of private spa	\$150
4.4.1.	Failure to erect temporary enclosure	\$150
2.2.1.	Placement of water without approval	\$200
2.2.2.	Placement of water in seasonal outdoor swimming pool without approval	\$200
4.5.1.	Failure to maintain swimming pool enclosure in safe condition	\$150
4.3.1.	Failure to lock gate or entrance	\$150
3.3.2.	Discharge of outdoor swimming pool onto abutting properties	\$150
3.3.2.	Discharge of outdoor swimming pool or private spa onto City property	\$150
3.3.2.	Discharge of outdoor swimming pool or private spa into sanitary sewer	\$150

<b>TABLE 14: DESIGNATED BY-LAW NO. 147-2019 YARD PARKING BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
2.	Park, stand or stop in front or side yard	\$150
2.	Park, stand or stop on organic matter	\$150
2.	Permit parking, standing or stopping in front or side yard	\$150
2.	Permit parking, standing or stopping on organic matter	\$150
8.	Hinder or obstruct Officer in carrying out duties under By-law	\$500
11.	Fail to comply with an order	\$200

<b>TABLE 15: DESIGNATED BY-LAW NO. xx-2019 YARDS PARKING BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
2.	Park, stand or stop in front or side yard	\$150
2.	Park, stand or stop on organic matter	\$150
2.	Permit parking, standing or stopping in front or side yard	\$150
2.	Permit parking, standing or stopping on organic matter	\$150
8.	Hinder or obstruct Officer in carrying out duties under By-law	\$500
11.	Fail to comply with an order	\$200

<b>TABLE 16: DESIGNATED BY-LAW NO. 149-2019 ACCESSIBLE PARKING BY-LAW</b>		
<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
4.	Park, stop or leave unauthorized vehicle in designated space	\$300



**SCHEDULE "B"**

**ADMINISTRATIVE FEES**

<b>DESCRIPTION</b>	<b>FEES</b>
Screening Non-Appearance Fee	\$100
Hearing Non-Appearance Fee	\$200
Late Payment Fee	\$20
MTO Search Fee	\$10

Note:

The fees and charges as listed in this Schedule will be subject to Harmonized Sales Tax (H.S.T.) where applicable.

## **SCHEDULE “C”**

### **CONSEQUENTIAL AMENDMENTS**

1. Residential Rental Licensing By-law 109-2017 is amended as follows:

- 1.1. By deleting the text of subsection 16.3 and by substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

(a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or

(b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.”

- 1.2. By deleting subsection 16.4.

2. The Snow Removal By-law 169-2015 is amended as follows:

- 2.1. By deleting the text of section 7 and by substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

(a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or

(b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.”

3. Parking and Traffic By-law 150-2012 is amended as follows:

- 3.2. By deleting the text of subsection 14.1 and by substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

(a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues.”

- 3.3. By deleting subsections 14.2, 14.3, 14.4, 14.5., Schedule “V” and Schedule “W”.

4. Private Property Parking By-law 131-2007 is amended as follows:

- 4.1. By deleting the text of subsection 6.1 and by substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

(a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount

specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues.”

4.2. By deleting subsections 6.3 and 6.4.

4.3. By deleting Schedule “B”.

5. Fire Route By-law 132-2007 is amended as follows:

5.1. By deleting the text of subsection 4.1 and by substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

(a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues.”

5.2. By deleting subsections 4.3 and 4.4.

5.3. By deleting Schedule “B”.

6. Public Nuisance By-law 46-2017 is amended as follows:

6.1. By deleting the text of subsection 9(1) and by substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

(a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or

(b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.”

7. Sign By-law 44-2018 is amended as follows:

7.1. By deleting the text of article 4.2.1 and by substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

(a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or

(b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.”

8. Noise Control By-law 37-2014 is amended as follows:

8.1. By deleting the text of article 4.2.2 and by substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

(a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or

(b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.”

8.2. By deleting article 4.2.3.

8.3. By deleting Schedule “A”.

8.4. By renaming Schedule “B” as Schedule “A”.

8.5. By deleting the text of sentence 3.1.2 (8) and substituting in “a non-refundable application fee as set out in Schedule “A” of this By-law; and”.

8.6. By deleting the text of sentence 3.1.2 (9) and substituting in “a temporary Noise Permit fee as set out in Schedule “A” of this By-law, refundable if the application is not approved.”.

8.7. By deleting the text of article 3.1.3 and substituting in “No application shall be deemed complete until the Applicant has provided any and all information required by this By-law and all necessary fees as provided in Schedule “A” have been paid in full.”.

8.8. By deleting the text of article 4.1.5 and substituting in “Where the Officer has determined that an activity producing Noise or sound is not in compliance with this By-law or with an Order to Discontinue Activity, the fee set out in Schedule “A” of this By-law for inspection may be imposed on the owner, Person responsible for the Noise or sound, or temporary Noise Permit holder.”.

8.9. By deleting the text of article 4.3.1 and substituting in “Any fee required by or described in this By-law shall be as set out in Schedule “A” to this By-law or as set out in the Administrative Penalty By-law.”.

9. Graffiti Management By-law 30-2019 is amended as follows:

9.1. By deleting the text of subsection 8.3 and by substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

(a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or

(b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.”.

9.2. By deleting subsections 8.4 and 8.5.

10. Fence By-law 28-2008 is amended as follows:

10.1. By deleting the text of article 4.3.1 and substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

- (a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or
- (b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.”.

11. Pool By-law 27-2008 is amended as follows:

11.1. By deleting the text of article 5.2.1 and substituting in,

“Each Person and/or corporation who contravenes a provisions of this By-law shall:

- (a) when given a Penalty Notice in accordance with the City of Thorold’s Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or
- (b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.”.