



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Susie Spry, Manager of Enforcement Services

DATE: August 16, 2024

REPORT NO.: ADMIN-2024-016

SUBJECT: Amendments to By-law 2022-0002 – AMPS Parking By-law

RECOMMENDATION:

THAT Report ADMIN-2024-015 dated August 16, 2024 regarding Amendments to By-law 2022-0002 – AMPS Parking By-law be received;

AND FURTHER THAT Council approve the proposed amendments as outlined in Report ADMIN-2024-015;

AND FURTHER THAT Council repeal By-law No. 2022-0002 in its entirety and replace with a new AMPS Parking By-law attached as Appendix A.

KEY POINTS:

The following are key points for consideration with respect to this report:

- In January 2022, Council approved By-law 2022-0002, a by-law to establish a System of Administrative Penalties for Parking matters with an enactment date of June 1, 2022.
- Report ADMIN-2024-015 outlined a proposed new by-law that would establish a system of administrative penalties for Regulatory (Non-Parking) matters.
- Suggested amendments to By-law 2022-0002 will better align both by-laws for continuity and ease of understanding.

BACKGROUND AND DISCUSSION:

Through Report ADMIN-2022-0001, Council approved the implementation of the Administrative Monetary Penalty System (AMPS) for Parking Violations. At that time, the Town utilized the Provincial Offences Act (POA) Court to prosecute parking violations. The lengthy delays, significant costs and lack of judicial resources affected the resolution time for these minor offences. COVID-19 put greater demands on the POA and compounded the need for an alternative method of resolving these matters.

Upon Council approval in 2022, By-law 2022-0002 being a By-law to establish a System of Administrative Penalties (Parking) was enacted. Although it has only been in place for two years, staff felt it necessary to amend this by-law to resemble the proposed AMPS Regulatory (Non-Parking) By-law as described in Report No. ADMIN-2024-015 (found on this agenda).

Proposed Changes

The intent of By-law 2022-0002 has not changed however the extent of the amendments warrants a repeal of the existing by-law to be replaced with a new amended by-law. Changes are as follows and include the re-numbering of sections to account for newly added sections.

Definitions:

The following definitions were either amended or added to match the wording in the proposed AMPS Regulatory (Non-Parking) by-law. These amendments give further clarity for the sections of the by-law where they are referenced.

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

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

“Electronic Hearing” means 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;

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

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

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

“**User Fees By-law**” means the **Town** By-law, adopted from time to time, for imposing fees or charges with respect to services or activities provided, related costs payable, and the use of its property.

Sections:

The following sections were removed in their entirety and replaced with newly worded sections to match those of the new proposed AMPS Regulatory By-law.

3. Application
7. Review by Screening Officer
8. Review by Hearing Officer
9. Service of Documents
10. Administration of the By-law

While the intent of the newly worded sections remain the same, the additional numbered sub-sections in each one will give more clarity to the process in which staff must follow.

Newly Added Sections:

Two sections were added to mirror the new proposed AMPS Regulatory By-law and to clarify the process for payment or non-payment of penalties.

5. Payment of and Administrative Penalty
6. Non-Payment of an Administrative Penalty.

Schedules:

Schedule C of By-law 2022-0002 outlined the various fees that would be charged in case of late payment, NSF payment and non-appearance fees. This schedule has been removed and the fees are being added to the Town’s User Fee By-law.

The existing Schedule “D” has been re-named to be Schedule “C”.

STRATEGIC PLAN ALIGNMENT:

This report identifies a safe and welcoming community as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

The Town Clerk was consulted during the drafting of the report and by-law.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Valerie Petryniak, Town Clerk and Director of Legislative Services

Chris Mills, Chief Administrative Officer