

## **BY-LAW NO. 46-2025**

### **BEING A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO ESTABLISH A SYSTEM OF ADMINISTRATIVE MONETARY PENALTIES FOR THE TOWN OF CARLETON PLACE.**

**WHEREAS** the *Municipal Act, 2001*, as amended, gives municipalities broad powers to enact by-laws relating to the health, safety and well-being of residents of Carleton Place;

**AND WHEREAS** Section 434.1 of the *Municipal Act, 2001* as amended, (the “*Municipal Act, 2001*”) authorizes municipalities to establish an administrative monetary penalty system requiring a person to pay an administrative penalty in respect of a contravention of any designated by-law;

**AND WHEREAS** Section 391 of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws imposing fees or charges for costs payable by it for services or activities, and services or activities provided or done by or on behalf of the municipality;

**AND WHEREAS** the Council of the Corporation of the Town of Carleton Place considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for designated Town by-laws;

**NOW THEREFORE** the Council of the Corporation of the Town of Carleton Place enacts as follows:

#### **1. DEFINITIONS**

“**Act**” means the *Municipal Act, 2001*.

“**Administrative Fee**” means any fee required to be paid pursuant to this By-law and/or the Fees and Charges By-law;

“**Administrative Penalty**” means an Administrative Penalty established in this By-law and identified in Schedule “A” hereto or established and identified in any Designated By-law;

“**By-law**” means this Administrative Monetary Penalty By-law, as amended from time to time;

“**By-law Services**” means the By-law Services Division of the Town’s Protective Services Department, or any successor thereof;

“**CAO**” shall mean the Chief Administrative Officer of the Town of Carleton Place or their designate;

“**Clerk**” means the Clerk of the Town of Carleton Place, or their designate;

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

**“Designated By-law”** means each by-law that is designated by Council as a by-law to which this By-law applies as set out in Schedule A to this By-law;

**“Director”** means (i) the Director of Protective Services of the Town of Carleton Place, or (ii) in his or her absence, the duly appointed designate, or (iii) in the event of organizational changes or otherwise, the director of the appropriately titled department assigned duties under this by-law or designate;

**“Fee – Appeal No-Show”** means an administrative fee from time to time established in the Fees and Charges By-law in respect of a Person’s failure to appear at the time and place scheduled for a hearing before a Hearing Officer;

**“Fee – Late Payment”** means an administrative fee from time to time established by the Fees and Charges By-law in respect of a Person’s failure to pay an Administrative Penalty by the date on which it is due and payable;

**“Fee – Screening No-Show”** means an administrative fee from time to time established by the Fees and Charges By-law in respect of a Person’s failure to appear at the time and place scheduled for a review by a Screening Officer;

**“Fees and Charges By-law”** means a by-law of general application in the Municipality adopted by the Town for the purposes of imposing Fees and Charges, as amended and replaced from time to time;

**“Hearing Decision Date”** means the date that the Hearing Decision is issued in accordance with Section 4.11;

**“Hearing Officer”** means any person designated from time to time to perform the functions of a Hearing Officer pursuant to this By-law;

**“Municipality”** means the geographic area under the jurisdiction of the Town;

**“Officer”** means each of (a) the Director; (b) the CAO; and (c) a Municipal Law Enforcement Officer appointed by or under the authority of a Town by-law to enforce by-laws enacted by the Town;

**“Penalty Notice”** means a notice given pursuant to Section 2;

**“Penalty Notice Date”** means the date when a Penalty Notice is effective pursuant to Section 5.1;

**“Penalty Notice Number”** means the number specified on the Penalty Notice pursuant to Section 2.4;

**“Person”** includes an individual, partnership, association, firm or corporation;

**“Screening Decision”** means a decision made by a Screening Officer pursuant to Section 3.9;

**“Screening Decision Date”** means the date on which a Screening Decision is issued pursuant to Section 3.10;

**“Screening Officer”** means any person designated from time to time to perform the functions of a Screening Officer pursuant to this By-law;

**“Town”** means The Corporation of the Town of Carleton Place (hereinafter referred to as the Town);

## **2. ADMINISTRATIVE MONETARY PENALTY NOTICES**

- 2.1 Each Person who contravenes a provision of a Designated By-law shall, if given a Penalty Notice, be liable to pay to the Town an Administrative Penalty in the amount specified by the Designated By-law or in this By-law for each day or part of a day on which the contravention occurs.
- 2.2 An Officer who has reasonable grounds to believe that a Person has contravened any provision of a Designated Bylaw may give to the Person a Penalty Notice.
- 2.3 The Director or the Clerk may, before 4:30 pm of the 10<sup>th</sup> day after the Penalty Notice Date, cancel the Administrative Penalty set out in a Penalty Notice.
- 2.4 The Penalty Notice shall be given to the Person as soon as is reasonably practicable after the contravention has occurred and shall include the following information:
  - a. the date the Penalty Notice is issued;
  - b. a reference number that is unique to that Penalty Notice;
  - c. particulars of the contravention, including the date and location of the contravention, and the Person(s) to whom the Penalty Notice is being given;
  - d. the monetary amount of the Administrative Penalty;
  - e. the date upon which the Administrative Penalty is due and payable;
  - f. such information as the Clerk determines is appropriate respecting the process by which the Person may exercise the Person’s right to request a review of the Administrative Penalty; and
  - g. a statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to a review and/or appeal process, constitute a debt of the Person to the Town.

### **3. REVIEW BY SCREENING OFFICER**

- 3.1 A Person who is served with a Penalty Notice may, in accordance with Section 3.4 and before noon on the 15<sup>th</sup> day after the Penalty Notice Date, request that:
- a. the Administrative Penalty be reviewed by a Screening Officer; or,
  - b. the Screening Officer extend the time to request a review subject to Section 3.2.
- 3.2 Upon receipt of a request to extend the time to request a review of an Administrative Penalty, a Screening Officer:
- a. may extend the time to request a review of an Administrative Penalty where the Person requesting the extension of time to request a review demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time, provided that no extension granted shall extend beyond the 42<sup>nd</sup> day after the Penalty Notice Date; and,
  - b. may grant an extension of the date upon which the Administrative Penalty becomes due and payable; and,
  - c. shall issue notice of the Screening Officer's decision with respect to the requested extension by e-mail to the address provided in accordance with Section 3.4b.
- 3.3 Where no request for a review is made within the time set out in Section 3.1, as may be extended in accordance with Section 3.2, or where a request for review does not include the information required to be provided in accordance with Section 3.4:
- a. the Person(s) to whom the Penalty Notice was issued shall be deemed to have waived the right to request a review;
  - b. the Administrative Penalty shall be deemed to be affirmed; and
  - c. the Administrative Penalty shall not be subject to review, including review by any Court.
- 3.4 A request for a review or a request for an extension of time to request a review shall be made in writing by delivering notice to the Town in accordance with Section 5.3 and shall include:
- a. the Penalty Notice Number;
  - b. the e-mail address of the Person requesting the review or the extension;
  - c. in the case of a request to extend the time to request a review, the reasons, if any, for having failed to exercise the right to request a review within the time limit set out in Section 3.1;
  - d. in the case of a request for a review:
    - i. particulars of all grounds upon which the request to review is based; and
    - ii. the Person's election to:

- (1) meet with a Screening Officer so that the Screening Officer may conduct the review in person; or
  - (2) have the review undertaken by a Screening Officer in writing based on the particulars provided by the Person in accordance with Section 3.4d.i together with any submissions provided by the Officer who issued the Penalty Notice in accordance with Section 3.8;
- 3.5 Upon delivery of a request for a review in accordance with Section 3.1 and 3.4, the date upon which the Administrative Penalty becomes due and payable shall be deemed to be 15 days after the Screening Decision Date, subject to any extension or reduction of time determined by the Screening Officer.
- 3.6 Where the Person elects to meet with a Screening Officer pursuant to clause 3.4d.ii(1), the Person shall be given notice of the date, time and place of the review.
- 3.7 Where the Person elects to meet with a Screening Officer pursuant to clause 3.4d.ii(1), and the Person fails to appear at the time and place scheduled for a review or fails to remain at such place until the Screening Officer has made a Screening Decision respecting the Administrative Penalty:
  - a. the Person shall be deemed to have abandoned the request for the review;
  - b. the Administrative Penalty shall be deemed to be affirmed on the 16<sup>th</sup> day after the Penalty Notice Date;
  - c. the Administrative Penalty shall not be subject to review, including review by any Court; and
  - d. the Person shall pay to the Town a Fee - Screening No-Show.
- 3.8 A Screening Officer may, in connection with any request for a review, whether such review is undertaken in person or in writing, receive submissions from the Officer who issued the Penalty Notice under review;
- 3.9 Upon conducting a screening, the Screening Officer may:
  - a. cancel, or reduce or extend the time for payment of, the Administrative Penalty and/or any Administrative Fee associated with the Administrative Penalty, where the Screening Officer is satisfied, on the balance of probabilities, that:
    - i. doing so would maintain the general intent and purpose of the Designated By-law, and/or
    - ii. there is reason to doubt that the person contravened the Designated By-law; and/or
    - iii. the person took all reasonable steps to prevent the contravention; and/or

- iv. the cancellation of the Administrative Penalty or reduction or extension of the time for payment is necessary to relieve undue hardship; or
  - b. confirm the Administrative Penalty identified in the Penalty Notice.
- 3.10 The Screening Decision with respect to a request for a review shall be issued in writing as soon as is reasonably practicable and sent to the Person who requested the review by e-mail at the address provided by that Person in accordance with Section 3.4b.
- 3.11 A Screening Officer does not have jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

#### **4. APPEAL TO A HEARING OFFICER**

- 4.1 A Person to whom a Screening Decision has been issued may, in accordance with Section 4.3, and before noon on the 15<sup>th</sup> day after the Screening Decision Date:
  - a. appeal the Screening Decision to a Hearing Officer by issuing notice of appeal; or
  - b. request that a Hearing Officer extend the time to give notice of appeal, subject to Section 4.2.
- 4.2 Upon receipt of a request to extend the time to appeal a Screening Decision, a Hearing Officer:
  - a. may extend the time to appeal the Screening Decision where the Person requesting the extension of time demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time, provided that no extension of the time to appeal a Screening Decision granted will extend beyond the 42<sup>nd</sup> day after the Screening Decision Date; and,
  - b. may grant an extension of the date upon which the Administrative Penalty becomes due and payable; and,
  - c. shall issue notice of the Hearing Officer's decision with respect to the requested extension by e-mail to the address provided in accordance with Section 4.4.
- 4.3 Where no request for a review is made within the time set out in Section 4.1, as may be extended in accordance with Section 4.2, or where a request for review does not include the information required to be provided in accordance with Section 4.4:
  - a. the right to appeal the Screening Decision shall be deemed to have been waived;
  - b. the Screening Decision and the Administrative Penalty, including as it may have been amended by the Screening Decision, shall be deemed to be affirmed; and

- c. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall not be subject to review, including review by any Court.
- 4.4 An appeal of a Screening Decision or a request for an extension of time to give notice of an appeal of a Screening Decision shall be made in writing by delivering notice to the Town in accordance with Section 5.3 and shall include:
  - a. the Penalty Notice Number;
  - b. a copy of the Screening Decision;
  - c. the e-mail address of the Person appealing the Screening Decision;
  - d. in the case of a request to extend the time to appeal, the reasons, if any, for having failed to exercise the right to appeal within the time limit established in Section 4.1; and
  - e. in the case of an appeal, particulars of all grounds upon which the appeal is made.
- 4.5 Upon delivery of an appeal in accordance with Sections 4.1 and 4.4 the date upon which the Administrative Penalty becomes due and payable shall deemed to be 15 days after the Hearing Decision Date, subject to any extension or reduction of time determined by the Screening Officer.
- 4.6 An appellant shall be given no fewer than seven (7) days' notice of the date, time and place of the appeal hearing.
- 4.7 Where an appellant fails to appear at the time and place scheduled for an appeal hearing:
  - a. the appellant shall be deemed to have abandoned the appeal;
  - b. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed;
  - c. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall not be subject to review, including review by any Court; and
  - d. the appellant shall pay to the Town an additional Fee - Appeal No-Show.
- 4.8 Except in the case of an appellant who is deemed to have abandoned their appeal, a Hearing Officer shall not make any decision respecting an appeal unless the Hearing Officer has given each of the Person, the Director and the Officer who gave the Penalty Notice an opportunity to be heard at the time and place scheduled for the hearing of the appeal.
- 4.9 Upon hearing an appeal of a Screening Decision, a Hearing Officer may:
  - a. receive submissions from the Officer who issued the Penalty Notice which is the subject of the Appeal; and,
  - b. cancel, or reduce or extend the time for payment of the Administrative Penalty and any administrative fees respecting that Administrative

Penalty, including as amended or varied by the Screening Decision, where the Hearing Officer is satisfied, on the balance of probabilities, that:

- i. doing so would maintain the general intent and purpose of the Designated By-law, and/or
  - ii. there is reason to doubt that the person contravened the Designated By-law; and/or
  - iii. the person took all reasonable steps to prevent the contravention; and/or
  - iv. the cancellation, reduction or extension of the time for payment is necessary to relieve undue hardship (financial or other); and/or
  - c. uphold the Screening Decision; and/or
  - d. confirm the Administrative Penalty identified in the Penalty Notice.
- 4.10 The Parties to an appeal shall be the Person who has appealed a Screening Decision in accordance with Section 4.1 and the Town, who may be represented by the Clerk, the Director, an Officer (other than the Officer who issued the Penalty Notice which is the subject of the appeal), a solicitor retained by the Town, or a delegate of any of the aforementioned persons.
- 4.11 The Hearing Decision shall be issued in writing as soon as is reasonably practicable and sent to the Town and to the Person who appealed the Screening Decision by e-mail at the address provided by that Person in accordance with Section 4.4c.
- 4.12 The decision of a Hearing Officer is final and not subject to review including review by any Court.
- 4.13 A Hearing Officer does not have jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

## **5. NOTICE**

- 5.1 Any notice or document respecting this By-law, including the Penalty Notice, may be given to a Person in writing in any of the following ways and is effective:
- a. when a copy is personally delivered to the Person to whom it is addressed; or,
  - b. on the 3<sup>rd</sup> day after a copy is sent by registered mail or by regular letter mail to the Person's last known address; or,
  - c. upon the sending of the notice or document or a copy thereof by e-mail to the Person's last known e-mail address or,
  - d. when it is served or delivered in accordance with the service or notice provisions set out in the relevant Designated By-law.



- 5.2 For the purposes of Section 5.1, a Person's last known address and last known e-mail address are deemed to include those provided by the Person pursuant to Sections 3.4b or 4.4c.
- 5.3 Any notice or document respecting this By-law to be given to the Town shall be in writing, shall be given in any of the following ways, and is effective:
- a. when a copy is delivered to the Clerk of the Town of Carleton Place during regular business hours at its reception area, Town Hall, 175 Bridge Street, Carleton Place, Ontario; or
  - b. on the 3<sup>rd</sup> day after a copy is sent by registered mail or by regular letter mail to "Administrative Penalties, Town of Carleton Place, c/o Town Clerk, Town of Carleton Place, 175 Bridge Street, Carleton Place, Ontario, K7C 2V8"; or
  - c. upon the sending of the notice or document or a copy thereof by e-mail transmission to the Clerk of the Town of Carleton Place.

## **6. FINANCIAL ADMINISTRATION**

- 6.1 Except as varied in accordance with this By-law, an Administrative Penalty shall become due and payable on the date which is 15 days after the date that the Penalty Notice is issued.
- 6.2 No Officer who issues a Penalty Notice may accept payment of the Administrative Penalty respecting that Penalty Notice.
- 6.3 When due and payable, an Administrative Penalty constitutes a debt to the Town of each Person to whom or to which the Penalty Notice was given.
- 6.4 Where a Person has paid an Administrative Penalty or any Administrative Fee(s) which is required to be paid pursuant to this By-law that is later cancelled or reduced pursuant to this By-law, the Town shall refund the amount cancelled or reduced to the Person who paid it.
- 6.5 Where an Administrative Penalty or any Administrative Fee(s) which is required to be paid pursuant to this By-law is not paid within 15 days after the date that it becomes due and payable:
- a. each Person to whom the Penalty Notice was given shall pay to the Town an additional Fee - Late Payment; and,
  - b. each Person required to pay the Administrative Fee shall pay to the Town an additional Fee - Late Payment; and,
  - c. the Treasurer of the Town, may add the Administrative Penalty and/or the Administrative Fee(s) to the tax roll for any property in the Municipality for which all of the owners are responsible for paying the Administrative Penalty and/or the Administrative Fee(s), and collect any amount payable in the same manner as municipal taxes.

## **7. COMPLAINTS**

- 7.1 Complaints and comments respecting the administration of the Town's system of administrative penalties may be given to the Clerk who shall receive the complaints and include these in an annual report to Council relating to the administration of the Town's system of administrative penalties.

## **8. ESTABLISHING AND APPOINTMENT OF SCREENING AND HEARING OFFICERS**

- 8.1 The position of Screening Officer is hereby established for the purpose of exercising the power of decision in the review of an Administrative Monetary Penalty in accordance with this By-law.
- 8.2 The following are not eligible for appointment as a Screening Officer:
- a. a member of Council;
  - b. an Officer; or
  - c. a relative of a person referenced in Section 8.2a or 8.2b.
- 8.3 The position of Hearing Officer is hereby established for the purpose of exercising the power of decision in an appeal of a Screening Decision in accordance with this By-law.
- 8.4 The following are not eligible for appointment as a Hearing Officer:
- a. a member of Council;
  - b. an employee of the Town;
  - c. an Officer;
  - d. a relative of a person referenced in Section 8.4a, 8.4b or 8.4c; or,
  - e. a person indebted to the Town other than:
    - i. in respect of current real property taxes; or
    - ii. pursuant to an agreement with the Town, the terms with which the person is in compliance.
- 8.5 A Screening Officer and a Hearing Officer shall be appointed by Council.
- 8.6 A Hearing Officer shall be remunerated at a rate from time to time established by resolution of Council.
- 8.7 No Person shall attempt, directly or indirectly, to communicate with or influence a Screening Officer or a Hearing Officer respecting the determination of an issue respecting a decision in a proceeding that is before the Screening Officer or Hearing Officer except a Person who is entitled to be heard in the proceeding or the Person's lawyer, licensed representative or authorized agent and only by that Person or the Person's lawyer, licensed representative or authorized agent during the screening or the hearing of the appeal in which the issue arises.

- 8.8 Section 8.7 does not prevent a Screening Officer or Hearing Officer from seeking and receiving legal advice.

## **9. GENERAL**

- 9.1 The Clerk or their designate shall administer this By-law and establish any additional practices, policies and procedures necessary to implement this By-law and may amend such practices, policies and procedures from time to time as they deem necessary, without amendment to this By-law.
- 9.2 The Clerk or their designate shall prescribe all forms and notices necessary to implement this By-law and may amend such forms and notices from time to time as they deem necessary, without amendments to this By-law.
- 9.3 No Person shall:
- a. make a false, misleading or fraudulent statement in relation to a Penalty Notice, or on any form submitted to the Town in relation to a Penalty Notice; or
  - b. obstruct an Officer exercising any authority under this By-law.
- 9.4 In the event the provisions of this By-law are inconsistent with the provisions of any act or regulation, the provisions of the Act or the Regulation shall prevail.
- 9.5 The short title of this By-law is the “Administrative Monetary Penalties System (AMPS) By-law”.
- 9.6 Schedule “A” to this By-law forms part of this By-Law.

**READ A FIRST AND SECOND TIME AND THIRD TIME AND FINALLY PASSED THIS  
10TH DAY OF JUNE, 2025.**

Signed by:

Toby Randell, Mayor  
Stacey Blair, Clerk