

THE CORPORATION OF THE TOWNSHIP OF JOLY

By-law 2025-032

Being a By-law to Implement an Administrative Monetary Penalty System in the CORPORATION OF THE TOWNSHIP OF JOLY

WHEREAS the Council for the Township of Joly, pursuant to sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, is implementing an Administrative Monetary Penalty System (AMPS program) that will allow the municipality to govern its affairs, respond to municipal issues, while ensuring accountability, transparency and protection of persons and property within the Municipality;

AND WHEREAS section 434.1 (1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to establish a system of administrative penalties for contraventions of municipal by-laws;

AND WHEREAS section 102.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS section 391 of the *Municipal Act*, 2001 enables the municipality to pass by-laws imposing fees or charges on any class of person's for services or activities provided or done by or on behalf of it;

AND WHEREAS section 434.2 of the *Municipal Act*, 2001, S.O. 2001, c. 25, provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS sections 23.2, 23.3 and 23.5 of the *Municipal Act*, 2001, S.O. 2001. C. 25, as amended authorizes the municipality to delegate its administrative and hearing powers;

AND WHEREAS section 15.4.1 (1) of the *Building Code Act*, 1992 S.O. 1992, c.23, as amended authorizes a municipality to pass a by-law that may require a person 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 section 15.1 (Property Standards By-law) of the *Building Code Act*, 1992, as amended, or an order of an officer made under subsection 15.2 (2) or 15.3 of the *Building Code Act*, 1992, as amended;

AND WHEREAS the Council for the Corporation of the Township of Joly, considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for certain municipal by-laws, or portions of certain municipal by-laws;

NOW THEREFORE the Council of the Corporation of the Township of Joly enacts the following:

DEFINITIONS

In this By-law:

Administrative Fee means any fee specified in this by-law or set out in Schedule 'C'.

Administrative Penalty means an administrative penalty established by this by-law or set out in the attached Schedule(s) for a contravention of a *Designated By-law*.

AMPS means Administrative Monetary Penalty System.

Clerk means the Municipal Clerk, their delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System.

Council means the Council of the Corporation of the Township of Joly.

Day means any calendar day.

Designated By-law means a by-law, or a part or provision of a by-law, that is designated under this or any other by-law and is listed in the attached Schedule 'A' to which the AMPS applies.

Hearing Non-Appealance Fee means an Administrative Fee established by the municipality from time to time 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 'C'.

Hearing Decision means a notice that contains a decision made by a Hearing Officer, delivered in accordance with section 4.11 of this by-law.

Hearing Officer shall mean a person who performs the duties of Hearing Officer as set out in section 4 of this by-law and meeting the requirements that a Hearing Officer cannot be a Member of Council or a municipal Employee. The Hearing Officer shall have knowledge of and experience in administrative law, such as a lawyer, retired lawyer, para-legal, retired para-legal, retired police officer, retired municipal clerk or retired municipal deputy clerk.

Holiday means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices of the municipality are officially closed for business.

Late Payment Fee means an Administrative Fee established by the municipality from time to time in respect of a person's failure to pay an Administrative Penalty within the time prescribed in this by-law and listed in Schedule 'C'.

MTO Fee means an Administrative Fee established by Council from time to time for any search of the records of, or any inquiry to, the Ontario Ministry of Transportation, or related authority, and listed in Schedule "C".

Municipality means the Township of Joly.

NSF Fee means an Administrative Fee established by the municipality from time to time in respect of payment by negotiable instrument received by the municipality from a person for payment of any Administrative Penalty or Administrative Fee, for which there are insufficient funds available in the account on which the instrument was drawn, as listed in Schedule 'C'.

Officer means a Municipal Law Enforcement Officer, Police Officer, Fire Chief, Fire Prevention Officer or a designate appointed by the municipality to enforce this by-law.

Penalty Notice means a notice given to a person pursuant to section 2 of this by-law.

Penalty Notice Date means the date of the contravention specified on the Penalty Notice, in accordance with section 2.3 of this by-law.

Penalty Notice Number means the reference number specified on the Penalty Notice that is unique to that Penalty Notice, in accordance with section 2.3 of this by-law.

Person includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof.

Plate Denial Fee means an Administrative Fee established by Council from time to time in respect of a person's failure to pay within the time prescribed prior to a request for plate denial and listed in Schedule "C".

Request for Review by Hearing Officer means the request which may be made in accordance with section 4 of this by-law for the review of a Screening Decision.

Request for Review by Screening Officer means the request made in accordance with section 3 of this by-law for the review of a Penalty Notice.

Review by Hearing Officer and Hearing means the process set out in section 4 of this by-law.

Review by Screening Officer and Screening Review means the process set out in section 3 of this by-law.

Screening Decision means a notice which contains the decision of a Screening Officer, delivered in accordance with Section 3.12 of this by-law.

Screening Non-appearance Fee means an Administrative Fee established by the municipality from time to time 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 "C".

Screening Officer means a person from time to time appointed pursuant to this by-law who performs the duties of Screening Officer as set out in section 3 of this by-law and meeting the requirements that a Screening Officer cannot be a Member of Council, a Screening Officer may be a staff member provided that they have no jurisdiction in their job duties that relate in any type of enforcement capacity.

Vehicle includes a motor vehicle, automobile, bicycle, motorcycle, boat, motor vehicle trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power and such additional definitions as set out in the *Highway Traffic Act*, R.S.O. 1990, as amended.

APPLICATION OF THIS BY-LAW

- 1.1** The municipal by-laws, or portions of municipal by-laws, listed in the attached Schedule 'A' of this by-law shall be *Designated By-laws* for the purposes of section 102.1 of the *Municipal Act* and paragraph 3(1)(b) of O.Reg 333/07. The attached Schedule 'B' sets out the Administrative Penalty and may include short form language to be used on Penalty Notices, for the contraventions of *Designated By-laws*.
- 1.2** Schedule 'C' of this by-law shall set out Administrative Fees imposed for the purposes of this by-law.
- 1.3** The *Provincial Offences Act*, R.S.O. 1990, as amended applies to all *Designated By-laws* except to a *Designated By-law* respecting the parking, standing or stopping of vehicles.

PENALTY NOTICES

- 2.1** Every person in contravention of a *Designated By-law* shall upon issuance of a Penalty Notice be liable to pay the Municipality an Administrative Penalty in the amount specified in the attached Schedule 'B' to this by-law.
- 2.2** An Officer who has reason to believe that a person has contravened any *Designated By-law* may issue a Penalty Notice upon notice thereof within thirty (30) days.
- 2.3** A Penalty Notice may include the following information:
 - (a) the Penalty Notice Date
 - (b) a Penalty Notice Number
 - (c) the date on which the Administrative Penalty is due and payable
 - (d) the identification number and signature of the Officer
 - (e) the name of the person penalized
 - (f) the contravention wording as listed in the attached Schedules, or other particulars reasonably sufficient to indicate the contravention
 - (g) the amount of the Administrative Penalty
 - (h) the vehicle licence plate number or vehicle identification number (VIN)
 - (i) such additional information as the Clerk determines is appropriate, respecting the process by which a person may exercise the right to request a Screening Review of the Administrative Penalty
 - (j) a statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the person to the municipality unless cancelled pursuant to Screening Review or Hearing process.
- 2.4** In addition to the service methods provided in section 5 "Service of Documents" of this By-law, an Officer may serve the Penalty Notice on a person by delivering it personally to the person contravening the by-law at the time of the offence.
- 2.5** No person issuing a Penalty Notice may accept payment of an Administrative Penalty or Administrative Fee.
- 2.6** A person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Administrative Notice is due and payable, shall also pay the municipality any applicable Administrative Fee(s).

REVIEW BY SCREENING OFFICER

- 3.1** A person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date on which the Administrative Penalty is due and payable, and in accordance with the process set out in section 3.4.
- 3.2** 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 to a date that is no later than thirty (30) days after the Penalty Notice Date, and in accordance with the process set out in section 3.4.
- 3.3** A person's right to request an extension of time for a Screening Review expires, if it has not been exercised, on or before thirty (30) days after the Penalty Notice Date, at which time:
- (a) the person shall be deemed to have waived the right to request a Screening Review or request an extension of time for a Screening Review, and,
 - (b) the Administrative Penalty as set out in the Penalty Notice shall be deemed to be confirmed, and,
 - (c) the Administrative Penalty shall not be subject to any further review, including a review by any Court.
- 3.4** A person's Request for Review by a Screening Officer or request for an extension of time to request a Screening Review is exercised by:
- (a) a submission in writing to the Clerk or Designate of a Request for Review by a Screening Officer or request for an extension of time to request a Screening Review; or
 - (b) calling the telephone number listed on the Penalty Notice to make a Request for Review by a Screening Officer or to request an extension of time to request a Screening Review.
- 3.5** A Request for Review by Screening Officer of an Administrative Penalty or a request for an extension of time to request a Screening Review shall include the Penalty Notice Number and the person's contact information.
- 3.6** A Request for Review by Screening Officer or a request for an extension of time to request a Screening Review shall only be scheduled by the Clerk if the person makes the request on or before the dates established by sections 3.1 or 3.2 of this by-law.
- 3.7** On a request for an extension of time to request a Screening Review, the Clerk may only extend the time to request a Screening Review where the person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- 3.8** Where an extension of time to request a Screening Review is not granted by the Clerk, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed.
- 3.9** Where a person fails to attend at the time and place scheduled for a Screening Review of an Administrative Penalty:
- (a) the person shall be deemed to have abandoned the request for a Screening Review of the Administrative Penalty;
 - (b) the Administrative Penalty as set out in the Penalty Notice shall be deemed to be confirmed; and
 - (c) the Administrative Penalty shall not be subject to any further review, including a review by any Court; and
 - (d) the person shall pay to the municipality a Screening Non-Appearance Fee and any other applicable Administrative Fee(s).
- 3.10** On a review of an Administrative Penalty, the Screening Officer may,
- (a) affirm the Administrative Penalty; or
 - (b) cancel, reduce, or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:
 - (i) where the person establishes on the balance of probabilities that they did not contravene the *Designated By-law(s)* as described in the Penalty Notice; or
 - (ii) where the person establishes on a balance of probabilities that the cancellation, reduction, or extension of time for payment of the Administrative Penalty, including

any Administrative Fee(s), is necessary to relieve any undue hardship.

- 3.11 On a Screening Review of an Administrative Penalty, before making a decision, a Screening Officer shall conduct an interview with the person.
- 3.12 After a Review by a Screening Officer, the Screening Officer shall deliver a Screening Decision to the person, in accordance with Section 5 of this by-law.
- 3.13 A Screening Officer has no authority 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.

REVIEW BY HEARING OFFICER

- 4.1 A person may Request a Review by Hearing Officer during the Screening Review.
- 4.2 If a person has not made a Request for Review by Hearing Officer at the time of the Screening Review, the person may make a Request for Review by Hearing Officer before the due and payable date for the Administrative Penalty listed on the Screening Decision.
- 4.3 The person's right to Request for Review by Hearing Officer expires if it has not been exercised on or before the due and payable date for the Administrative Penalty listed on the Screening Decision, at which time:
 - (a) the person shall be deemed to have waived the right to Request for Review by Hearing Officer;
 - (b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s), if applicable, as modified in the Screening Decision, shall be deemed to be confirmed; and
 - (c) the Screening Decision and Administrative Penalty shall not be subject to any further review, including a review by any Court.
- 4.4 A person's Request for Review by Hearing Officer is exercised by:
 - (a) a submission in writing to the Clerk for a Request for Review by a Hearing Officer, or request for an extension of time to request a Hearing; or
 - (b) attending in person at the location listed on the Screening Decision to make Request for Review by a Hearing Officer or request an extension of time to request a Hearing; or
 - (c) calling the telephone number listed on the Screening Decision to make a Request for Review by Hearing Officer or request an extension of time to request a Hearing.
- 4.5 A Request for Review by Hearing Officer shall only be scheduled by the Clerk if the person makes the request within the time limits set out in sections 4.2 or 4.3 of this by-law.
- 4.6 Where a person fails to appear at the time and place scheduled for a Hearing:
 - (a) the person shall be deemed to have abandoned the Hearing for review of a Screening Decision;
 - (b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall be deemed to be confirmed;
 - (c) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and
 - (d) the person shall pay to the municipality a Hearing Non-appearance Fee, Late Payment Fee and any other applicable Administrative Fee(s).
- 4.7 On a review of a Screening Decision, the Hearing Officer may:
 - (a) confirm the Screening Decision; or
 - (b) cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:
 - (i) where the person establishes on a balance of probabilities that they did not contravene the *Designated By-law(s)* as described in the Penalty Notice; or
 - (ii) where the person establishes on a balance of probabilities that the cancellation, reduction, or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue hardship.
- 4.8 A Hearing Officer shall not make any decision respecting a review of a Screening Decision unless the Hearing Officer has given the person and a representative of the municipality an opportunity to be heard at the time and place scheduled for the Hearing.

- 4.9** All Hearings by a Hearing Officer shall be conducted in accordance with the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*, as amended.
- 4.10** A Hearing Officer has no authority 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.
- 4.11** After a Hearing is complete, the Hearing Officer shall deliver to the person a Hearing Decision, in accordance with Section 5 of this by-law.
- 4.12** The decision of a Hearing Officer is final.

SERVICE OF DOCUMENTS

- 5.1** The service of any document, notice or decision, including a Penalty Notice, pursuant to this by-law, when served in any of the following ways, is deemed effective:
- (a) immediately, when a copy is delivered to the person to whom it is addressed;
 - (b) immediately, when a copy is placed on or affixed in any manner to a person's vehicle;
 - (c) immediately, upon the sending of the notice, document or a copy thereof by email transmission to the person's last known email address;
 - (d) on the seventh (7th) day following the date, a copy is sent by registered mail to the person's last known address;
 - (e) immediately upon the conclusion and sent confirmation of a copy by facsimile transmission to the person's last known facsimile transmission number;
- 5.2** For the purposes of subsections 5.1, a person's last known address, facsimile number or email address includes an address, facsimile number or email address provided by the person to the municipality as may be required by a form, practice or policy under this by-law.

ADMINISTRATION

- 6.1** The Clerk, their delegate, or anyone designated by the Clerk 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.
- 6.2** The Clerk, their delegate, or anyone designated by the Clerk 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 they deem necessary, without amendment to this by-law.
- 6.3** An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the municipality owed by the person.
- (a) Pursuant to subsections 398 (1) and (2) of the *Municipal Act*, 2001, where an Administrative Penalty, including any Administrative Fees(s) remain unpaid after the final date on which it is payable as specified in the Penalty Notice, the Administrative Penalty, including any Administrative Fees(s) shall be deemed to be unpaid taxes and the outstanding amount shall be added to the tax roll and collected in the same manner as municipal taxes.
 - (i) Where a penalty notice has been issued to a tenant or occupant of a property and is to be added to the tax roll under this section, notice shall be given to the property owner thirty (30) days prior to the amount being added to the tax roll.
- 6.4** Where an Administrative Penalty is not paid by the date on which the Administrative Penalty is due and payable; the person shall pay to the municipality a Late Payment Fee, in addition to the Administrative Penalty and any applicable Administrative Fee(s).
- 6.5** Where a person makes payments to the municipality of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by negotiable instrument, for which there are insufficient funds available in the account on which the instrument was drawn, the person shall pay to the municipality the NSF Fee set out in the municipality's fees by-law.
- 6.6** Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.
- 6.7** Any time limit that would otherwise expire on a Holiday is extended to the next day that is

not a Holiday.

- 6.8 A person claiming financial hardship under this by-law shall provide documented proof of the financial hardship to the Clerk, their delegate, or anyone designated by the Clerk, the Screening Officer or the Hearing Officer, as applicable.
- 6.9 Any schedule attached to this by-law forms part of this by-law.
- 6.10 Screening Officers shall be appointed by Council on the recommendation of the Clerk or their designate. Screening Officers shall be appointed by a by-law passed by Council based on the provisions of all applicable policies established by the Township.
- 6.11 Hearing Officers shall be appointed by Council on the recommendation of the Clerk or their designate. Hearing Officers shall be appointed by a by-law passed by Council based on the provisions of all applicable policies established by the Township and shall meet all conditions established therein.

SEVERABILITY

- 7.1 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 a 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.

INTERPRETATION

- 8.1 The provisions in Part VI of the *Legislation Act*, 2006, S.O. 2006, c.21, Sched. F, shall apply to this by-law.

SHORT TITLE

- 9.1 This by-law may be referred to as the Administrative Monetary Penalty System by-law or as the AMPS by-law.

EFFECTIVE DATE

- 10.1 That this by-law shall come into effect on the day it was passed.

Read a first, second, and final time and considered passed this 14th day of October, 2025.

Original Copy Signed _____
Mayor

Original Copy Signed _____
Municipal Administrator

SCHEDULE “A” to Bylaw 2025-032

Being a Bylaw to Implement an Administrative Monetary Penalty System in the

TOWNSHIP OF JOLY

DESIGNATED BYLAWS

1. Bylaw 2025-016 (Trailers)
2. Bylaw G-2024-002 (Culverts and Entranceways)
3. Bylaw 2025-013 (Depositing of Snow on Highways)
4. Bylaw 2023-013 (Throwing of Refuse on Private or Township Property)
5. Bylaw 2014-015 (Dog and Kennels)
6. Bylaw 2025-036 (Beaver & Beaver Dams)

SCHEDULE “B” to Bylaw 2025-032**Being a Bylaw to Implement an Administrative Monetary Penalty System in the****TOWNSHIP OF JOLY*****Administrative Monetary Penalties***

Bylaw 2025-016 Being a Bylaw to Licence Trailers		
Section	Short Form Wording	Penalty Amount
3.1	Fail to obtain a licence for a trailer – over 14-day limit	\$300.00
3.7	Locate a trailer overnight on Township property	\$300.00
3.8	Locate a trailer on Township property for recreational purposes	\$300.00
3.9	Occupy a trailer between December 1 st to April 30 th	\$300.00
3.10	Have more than one trailer on a property	\$300.00
3.11	Locate a trailer on property without the owner’s consent	\$300.00
3.12	Allow additions to a trailer such as sunrooms, covered porch, roofs or add-a-rooms	\$300.00
3.13	Construct, maintain or have a deck exceeding 160 square feet in area	\$300.00
3.14	Fail to obtain approved sewage system	\$300.00
7.2	Obstruct person designated to enforce this by-law	\$300.00

Bylaw 2016-009 Being a Bylaw to Permit and Regulate Culverts and Entranceways		
Section	Short Form Wording	Penalty Amount
2	Fail to obtain permit	\$400.00
6	Fail to obtain permit – location approval	\$400.00
5	Fail to obtain permit, alter or modify existing entrance	\$400.00
7	Place or install material not in accordance with the permit	\$400.00
25	Hinder or obstruct person exercising power to perform a duty under this by-law	\$400.00
26	Fail to comply with an Order issued pursuant to this by-law	\$500.00

Bylaw 2025-013 Being a Bylaw to Prohibit the Depositing of Snow on Highways within the Township of Joly		
Section	Short Form Wording	Penalty Amount
2.1	Deposit snow on a municipal highway	\$200.00
2.1	Permit the deposit of snow on a municipal highway	\$200.00

2.2	Clear away or remove snow from a municipal highway	\$200.00
2.3	Create or permit the accumulation of snow on property adjacent to a municipal highway	\$200.00
2.4	Move snow from one side of the road allowance to the other side of the road allowance	\$200.00
2.5	Relocate snow as to encroach, obstruct or prevent the safe movement of vehicles	\$200.00
2.5	Relocate snow as to encroach, obstruct or prevent the safe movement of pedestrians	\$200.00

Bylaw 2023-013

Being a Bylaw to Prohibit the Throwing, Placing or Depositing of Refuse or Debris on Private or Township Property

Section	Short Form Wording	Penalty Amount
1.1	Throw, place or deposit refuse or debris on private property	\$300.00
1.2	Throw, place or deposit refuse or debris on Township property	\$300.00
1.3	Throw, place or deposit refuse or debris on property of a local board	\$300.00
2.2	Fail to remove waste in accordance with Notice	\$400.00
3.3	Hinder or obstruct officer, employee or agent of the Township of Joly	\$400.00
3.4	Provide false statement	\$400.00
3.5	Fail to identify upon request	\$400.00

Bylaw 2014-015

Being a Bylaw for the Licencing and Regulating of Dogs and Kennels and for the Control of Dogs within the Township of Joly

Section	Short Form Wording	Penalty Amount
3 (b)	Failure to register a dog and procure a licence	\$200.00
3 (c)	Failure to keep tag affixed or using tag on another dog	\$200.00
3 (f)	Falsifying information on application	\$500.00
14 (b)	Failure to keep a dog leashed in a public place	\$200.00
14 (c)	Allowing a dog in a public swimming place	\$200.00
14 (d)	Allowing a dog to run at large	\$200.00

Bylaw 2025-036

Being a Bylaw to adopt a policy respecting the management of nuisance beavers and beaver dams in the Township of Joly

Section	Short Form Wording	Penalty Amount
2.1	Permit a Beaver Dam or other obstruction on property	\$500.00
3.7	Fails to comply with an order	\$500.00
5.1	Hinders or obstructs any Roads Foreman or Bylaw Enforcement Officer or their designate.	\$500.00