



Administrative Monetary Penalties

The South Frontenac
By-law Enforcement Experience

If you want to achieve Taylor Swift levels of fame with local social media groups... implement an AMPs By-law...



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Enforcement at the Township of South Frontenac

- Spring, 2022: The Township created a deputy clerk position which allowed for additional resources to be allocated to By-law Enforcement
- July, 2022: The Township commenced a significant update of the By-law Enforcement Program; including revisions to existing by-laws and processes
- South Frontenac is primarily focused on enforcing the following By-laws:
 - Dog Control By-law;
 - Noise By-law;
 - Safe Property By-law;
 - Trailer Licensing By-law;
 - Waste Management By-law; and
 - Zoning By-law

Enforcement at the Township of South Frontenac

- The Township investigates violations of by-laws upon the receipt of a complaint
- The Clerk's Department (Clerk and Deputy Clerk) are primarily responsible for the coordination and administration of the By-law Enforcement Program
- The Clerk's Department works closely with Planning and Building staff as well as the Township Solicitor
- Frontenac Municipal Law Enforcement is contracted by the Township to conduct all field work associated with the By-law Enforcement Program

Enforcement at the Township of South Frontenac

- Since July, 2022, the Township has investigated approximately 80 property related complaints.
- Since October, 2022, the Township has issued approximately 25 AMPs
- Additionally, the Township has issued four Part III Summons, sought two injunctions via applications to the Superior Court and conducted multiple property cleanups

Enforcement Process

Safe Property By-law/Trailer Licensing By-law		Dog Control, Noise and Waste Management By-laws	Zoning By-law
1. Complaint Received by Clerk's Department	6. If the order has not been remedied by prescribed time, the Clerk's Department will issue an AMP.	1. Complaint Received by FMLE	1. Complaint Received by Clerk's Department.
2. Complaint referred to Frontenac Municipal Law Enforcement (FMLE) for inspection.	7. Clerk's Department would also issue a Final Notice regarding cleanup. (Safe Property By-law Violations)	2. Complaint Investigated by FMLE	2. Complaint referred to FMLE for initial investigation.
3. Inspection results provided to Clerk's Department by FMLE	8. Reinspect property 7 days after the order is due. If order has not been addressed an additional AMP is issued.	3. OPP notified if required. (Noise By-law)	3. FMLE and various staff conduct site visit
4. Clerk's Department issue order on behalf of FMLE	9. Repeat Step 8., as necessary.	Clerk's Department will issue AMP. AMP issued to property owner of director of corporation.	4. Clerk's Department issue order on behalf of FMLE.
5. FMLE conducts a reinspection of the property as per timeline included in order.	10. Conduct cleanup of property and apply costs to tax roll (Safe Property By-law) and consider other options i.e. Injunction or Part III Summons.	No order is issued as the violation is dealt with immediately.	5. Conduct reinspection and refer file to Township Solicitor if issue not resolved.

Enforcement at the Township of South Frontenac

Recent Survey Results:

Q5: Please rank in order of importance the following enforcement areas, 1 being the most important

	1	2	3	4	5	6	TOTAL	SCORE
Noise Complaints	32.86% 420	18.54% 237	15.81% 202	22.77% 291	7.59% 97	2.43% 31	1,278	4.39
Property Standards	28.58% 365	26.78% 342	22.63% 289	14.02% 179	6.11% 78	1.88% 24	1,277	4.52
Zoning Compliance	13.94% 178	23.81% 304	28.11% 359	17.93% 229	10.57% 135	5.64% 72	1,277	3.96
Illegal Construction	13.92% 178	16.34% 209	19.62% 251	25.88% 331	14.31% 183	9.93% 127	1,279	3.60
Dog Control	6.80% 87	8.84% 113	8.60% 110	11.49% 147	45.90% 587	18.37% 235	1,279	2.64
Parking Violations	3.91% 50	5.79% 74	5.24% 67	7.82% 100	15.48% 198	61.77% 790	1,279	1.90

Enforcement at the Township of South Frontenac



Enforcement at the Township of South Frontenac

Key Findings from our experience:

- “Historic” issues which were not addressed were the most difficult to address.
- Similarly, by-law violations if left unchecked fester and negatively impact the fabric of the community.
- By-law violations occur in all areas of the Township and are not influenced by socioeconomic factors.
- It is very important to adhere to prescribed timelines.
- The introduction of a “Final Notice” document was very effective.

Traditional Penalty Options

Provincial Offences Act

- Part 1 - Certificate of Offence
- Part 2 – Parking Infractions
- Part 3 – Summons to appear in Court

Ontario Superior Court of Justice

- Application for injunction

Alternative Option: Administrative Monetary Penalty

Municipal Act:

Fines, special cases

- **434** The fines imposed for the contravention of by-laws of any lower-tier municipality shall, where prosecuted by the police force of the upper-tier municipality, belong to the upper-tier municipality and, where prosecuted by any other person, belong to the lower-tier municipality whose by-law has been contravened. 2006, c. 32, Sched. A, s. 184.

Administrative penalties

- **434.1** (1) Without limiting sections 9, 10 and 11, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act. 2017, c. 10, Sched. 1, s. 75.

Purpose of administrative penalties

- (2) The purpose of a system of administrative penalties established by a municipality under this section shall be to assist the municipality in promoting compliance with its by-laws. 2017, c. 10, Sched. 1, s. 75.

Alternative Option: Administrative Monetary Penalty

Municipal Act:

Monetary limit

(3) The amount of an administrative penalty established by a municipality,

(a) shall not be punitive in nature; and

(b) shall not exceed the amount reasonably required to promote compliance with a by-law of the municipality. 2017, c. 10, Sched. 1, s. 75.

Effect on offences

(4) If a person is required by a municipality to pay an administrative penalty under subsection (1) in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention. 2017, c. 10, Sched. 1, s. 75.

Regulations

(5) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section, including,

(a) granting a municipality powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;

b) imposing conditions and limitations on a municipality's powers with respect to administrative penalties. 2017, c. 10, Sched. 1, s. 75.

Alternative Option: Administrative Monetary Penalty

Municipal Act:

Debt

434.2 (1) An administrative penalty imposed by a municipality on a person under section 434.1 constitutes a debt of the person to the municipality. 2017, c. 10, Sched. 1, s. 75.

Amount owing added to tax roll

(2) If an administrative penalty imposed under section 434.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, shall, add the administrative penalty 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 collect it in the same manner as municipal taxes. 2017, c. 10, Sched. 1, s. 75.

AMP Example:



Administrative Monetary Penalty Notice

Date of Issuance of Penalty Notice: January 10, 2023

Penalty Notice Number: 2023-001

Name: XXXX

Legal Description/Municipal Address of Property: Roll #XXXX
CON XX PT LOT XX

Registered Owner: XXXX

Date of Violation: December 19, 2022

Time of Violation: Not Applicable

Contravened By-law: By-law 2004-93, As Amended

By-law Section:

3.1 No person shall use and/or keep a trailer on any property within the Township; except in an established Trailer Park, where the use is permitted and conforms to the Township of South Frontenac Comprehensive Zoning By-law.

Penalty Amount: \$250.00

Payment Due Date: January 30, 2023

Appeal to Screening Officer Deadline: January 23, 2023

Please Note: An Administrative Penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt of the Person to the Township assigned to the property tax roll.

AMP Example:

 SOUTH FRONTENAC	Township of South Frontenac 4432 George St, Box 100 Sydenham ON, K0H 2T0 613-376-3027 bylaw@southfrontenac.net
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Payment Options

You may pay the penalty outlined in the Administrative Monetary Penalty Notice or the Screening Officer Appeal Fee:

1. By mailing the Administrative Monetary Penalty Notice in an envelope with sufficient postage affixed and your cheque or money order in the appropriate amount and payable to the Township of South Frontenac; or
2. In person during civic business hours by presentation of the Administrative Monetary Penalty Notice at:

The Corporation of the Township of South Frontenac, Box 100
4432 George Street
Sydenham Ontario
K0H 2T0

AMP Example:

Review by Screening Officer Information

Note: The following information can be found in Township of South Frontenac By-Law 2022-70

3. Review by Screening Officer
 - 3.1. Section 3 applies to reviews of an Administrative Penalty by a Screening Officer.
 - 3.2. A person's right to request a review expires if it has not been exercised in the manner prescribed in section 3.4 before 4:30 p.m. on the fifteenth (15th) day after the Penalty Notice is deemed to have been received pursuant to section 5.
 - 3.3. A person's right to request an extension of the time to request a review expires if it has not been exercised in the manner prescribed in section 3.4 before 4:30 p.m. on the tenth (10th) day after the date the Penalty Notice is deemed to have been received pursuant to section 5, at which time:
 - a. the person 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.No extension granted under this section will extend beyond the thirtieth (30th) day after the date receipt of the Penalty Notice is deemed to have occurred pursuant to section 5.
 - 3.4. A person's rights to request a review and/or to request an extension of time to request a review are exercised by giving to the Township written notice of such request(s) that includes:
 - a. the Penalty Notice Number;
 - b. the person's mailing address and, if applicable, facsimile transmission number and/or e-mail address;
 - 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 limited by section 3.2; and
 - d. in the case of a request to review, the particulars of all grounds upon which the request to review is based.
 - 3.5. The Screening Officer shall undertake the review upon receipt of the request for review and may request further information from the person requesting the review as needed, and any time limit for the review may be adjusted in the Screening Officer's sole discretion.
 - 3.6. The Screening Officer may
 - a. receive submissions from the Officer who issued the Penalty Notice under review; and
 - b. cancel, reduce or extend the time for payment of the Administrative Penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of this By-law and that:
 - (i) there is reason to doubt that the person contravened this By-law; or that
 - (ii) the person took all reasonable steps to prevent the contravention; or that
 - (iii) the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
 - 3.7. The Screening Decision shall be given to the person in writing as soon as is reasonably practicable.
 - 3.8. The person may appeal to a Hearings Officer against the Screening Decision pursuant to

AMP Example:

Review by Screening Officer Request

Penalty Notice Number: _____

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Reason for Review:

Please Note: This form must be delivered to the Clerk of the Township during regular business hours at its reception area, at 4432 George Street, Sydenham, Ontario or sent by registered mail to Administrative Penalties, Township of South Frontenac, c/o Township Clerk, 4432 George Street, Box 100 Sydenham, Ontario, K0H 2T0.

Administrative Monetary Penalty By-law

1. By-laws subject to Administrative Monetary Penalty

- 1.1. Any and all schedules attached and forming part of this by-law shall be subject to penalties as outlined in Section 1.2 below.
- 1.2. Any person who contravenes this By-law is liable to pay an Administrative Monetary Penalty in an amount as outlined in the relevant schedule(s) to this by-law, in accordance with this By-law, provided that an offence notice under the Provincial Offences Act has not been issued for the same person for the same offence on the same day

Administrative Monetary Penalty By-law

2. Administrative Monetary Penalty Notice

2.1. Subject to section 3, each Person who contravenes this By-law shall, if given an Administrative Monetary Penalty Notice (hereinafter referred to as “Penalty Notice”), be liable to pay to the Township of South Frontenac (hereinafter the “Township”) an Administrative Penalty as outlined in the relevant schedule(s) to this by-law.

Administrative Monetary Penalty By-law

- 2.3. 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 given;
 - 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. such information as the CAO 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
 - f. a statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt of the Person to the Township.
- 2.4. A person who is given a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer pursuant to section 3.

Administrative Monetary Penalty By-law

3. Review by Screening Officer

- 3.5. The Screening Officer shall undertake the review upon receipt of the request for review and may request further information from the person requesting the review as needed, and any time limit for the review may be adjusted in the Screening Officer's sole discretion.
- 3.6. The Screening Officer may a. receive submissions from the Officer who issued the Penalty Notice under review; and b. cancel, reduce or extend the time for payment of the Administrative Penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of this By-law and that:
- (i) there is reason to doubt that the person contravened this Bylaw; or that
 - (ii) the person took all reasonable steps to prevent the contravention; or that
 - (iii) the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
- 3.7. The Screening Decision shall be given to the person in writing as soon as is reasonably practicable.
- 3.8. The person may appeal to a Hearings Officer against the Screening Decision pursuant to section 4.

Administrative Monetary Penalty By-law

4. Appeal to Hearings Officer

- 4.2. The right to appeal is limited to the following: a. a person who has been given a Screening Decision; or b. the CAO.
- 4.8. Except in the case of a person who is deemed to have abandoned their appeal, a Hearings Officer shall not make any decision respecting an appeal unless the Hearings Officer has given each of the person, the CAO 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. Subject to sections 4.4, 4.7 and 4.8, a Hearings Officer may:
 - a. extend the time to request an appeal; and
 - b. make any decision that the Screening Officer could have made pursuant to this By-law.
- 4.10. The decision of a Hearings Officer is final and not subject to review including review by any Court.

Administrative Monetary Penalty By-law

5. Notice

- 5.1. Subject to section 5.3, any notice or document respecting this By-law, including the Penalty Notice, may be given in writing in any of the following ways and is effective:
- a. when a copy is placed on or affixed in any manner to a Person's vehicle;
 - b. when a copy is delivered to the person to whom it is addressed;
 - c. on the third (3rd) day after a copy is sent by registered mail or by regular lettermail to the person's last known address;
 - d. upon the conclusion of the transmission of a copy by facsimile transmission to the person's last known facsimile transmission number; or
 - e. upon the sending of the notice or document or a copy thereof by e-mail transmission to the person's last known e-mail address.

Administrative Monetary Penalty By-law

6. Financial Administration

- 6.2. An Administrative Penalty that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to this By-law is due and payable and constitutes a debt to the Township of each person to whom or to which the Penalty Notice was given.
- 6.3. The Township may add to the Tax roll of any person who fails to pay an Administrative Penalty the amount of the Administrative Penalty, including any additional penalties imposed under this By-law, and collect all amounts in the same manner as municipal taxes.
- 6.5. Where an Administrative Penalty or any administrative fees 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 Township an additional Fee for late payment in an amount of \$50.

Administrative Monetary Penalty By-law

Schedule A

1. Township of South Frontenac, By-Law Number 2004-93, A By-Law to License Trailers Which Are Lawfully Located In The Municipality Except Those Located In An Established Trailer Park In The Municipality, as amended from time to time.
2. Township of South Frontenac, By-Law Number 2007-13, A By-Law to Provide For The Safety Of Properties In The Township of South Frontenac, as amended from time to time
3. Township of South Frontenac, By-law 2015-41, A By-law to Prohibit and Regulate Noise Within the Township of South Frontenac, as amended from time to time.
4. Township of South Frontenac, By-law 2001-66, As Amended, A By-Law To License Dogs, And For Regulating The Running At Large Of Dogs Within The Corporation Of The Township Of South Frontenac.
5. Township of South Frontenac, By-law 2023-35, A By-Law To Prohibit Pedestrians From Standing And/Or Loitering At All Times Along Municipal Highways Within The Confines Of The Devil Lake Causeway On Perth Road
6. Township of South Frontenac, By-law 2005-98, A By-Law For Providing And Maintaining A System For The Collection, Removal And Disposal Of Garbage And Recyclable Materials, And To Repeal Certain By-Laws From The Former Municipalities That Deal With The Same Subject Matter

Administrative Monetary Penalty By-law

Schedule B

Administrative Monetary Penalties

By-Law Number 2004-93, A By-Law to License Trailers Which Are Lawfully Located in The Municipality Except Those Located In An Established Trailer Park In The Municipality		
By-Law Section	Short Wording	Penalty Amount
3.1	No person shall use and or keep a trailer on any property within the Township; except in an established Trailer Park, where the use is permitted and conforms to the Township of South Frontenac Comprehensive Zoning By-law.	\$250.00
3.5	Obstruct an Officer	\$500.00
	Continued failure to remedy an order. (AMP may be issued once in every seven-day period when compliance is not achieved by prescribed date)	\$500.00
	Administrative Penalty Fee – Failing to pay the AMP by the date on which it is due.	\$ 50.00
	Administrative Penalty Fee – Failing to appear for a hearing before the Hearings Officer.	\$100.00
	Screening Officer Appeal Fee	\$ 50.00
	Hearing Officer Appeal Fee	\$200.00



Administrative Monetary Penalty By-law

By-law 2005-98, A By-Law For Providing And Maintaining A System For The Collection, Removal And Disposal Of Garbage And Recyclable Materials, And To Repeal Certain By-Laws From The Former Municipalities That Deal With The Same Subject Matter		
By-Law Section	Short Wording	Penalty Amount
25.	Any waste which the Municipality declines to collect, and all reusable Garbage, Containers, Blue Boxes, garbage bins and recycling receptacles, shall be removed from the curbside or collection site by the owner, operator, or Occupant of the Dwelling Unit, Multi-Residential Building, or commercial, institutional, or industrial establishment by or on whose behalf same was placed for collection, before 8:00 p.m. on the day on which the collection was scheduled to be made.	\$200.00
36.	No owner or Occupier of a Dwelling Unit, Multi-Residential Building, or commercial, industrial, or institutional establishment located within the geographical boundaries of the Municipality, shall permit any waste, refuse or debris to accumulate upon his or her lands or those lands in use by him or her.	\$200.00
38.	No person shall disturb or interfere with any Garbage or Allowable Recyclable Waste set out for Curbside Collection on or about a street, alley, laneway, public or private way, public square, place, private lot or other land located within the geographical boundaries of the Municipality.	\$100.00
39.	No owner or Occupant of a Dwelling Unit, Multi-Residential Building or commercial, industrial or institutional establishment located within the geographical boundaries of the Municipality, shall keep a garbage dump or container for waste material, refuse or debris upon his or her lands, or those lands in use by him or her, in such a condition or in such a location that the same shall be a nuisance or emit foul or offensive odours or harbour or attract rats or other vermin or insects.	\$200.00
40.	No person shall throw, place or deposit waste, refuse, debris, or Garbage on private property or Municipal Property, on any roadway within the boundaries of the Municipality or on any property owned or operated by any local board thereof without the authority of the owner or occupant of such property.	\$500.00
41. a.	Obstruct an Officer	\$500.00
	Continued contravention of By-law 2023-35. (AMP may be issued once in every seven-day period when compliance is not achieved by prescribed date)	\$500.00
	Administrative Penalty Fee – Failing to pay the AMP by the date on which it is due.	\$ 50.00
	Administrative Penalty Fee – Failing to appear for a hearing before the Hearings Officer.	\$100.00
	Screening Officer Appeal Fee	\$ 50.00
	Hearing Officer Appeal Fee	\$200.00

Now that your AMPs By-law is in place:

Amend Existing By-laws:

PENALTIES:

- Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction, be liable to a maximum fine of \$5,000 pursuant to the *Provincial Offences Act*.
- A Person who is convicted of a first offence under this By-law is liable, for each day or part of a day that the offence continues, to a maximum fine of no more than \$5,000. The total of all daily fines imposed for the continuing offence may exceed \$100,000.
- A person who is convicted of a second or subsequent offence under this By-law is liable, for each day that the second or subsequent offence continues, to a maximum fine of more than \$10,000. The total of all daily fines imposed for the second or subsequent continuing offence may exceed \$100,000.
- Every Person who contravenes any provision of this By-Law shall, upon issuance of a Penalty Notice in accordance with the By-Law to Impose Administrative Monetary Penalties On Violations Of Municipal By-Laws 2022-70, be liable to pay to the Township an Administrative Monetary Penalty in accordance with By-Law Number 2022-70, As Amended.
- If a Person is required to pay an Administrative Penalty under Section 3. In respect of a contravention of this By-law, the Person shall not be charged with an offence in respect of the same contravention.

A very important tool:

“Responsibility of Property Owner

- Every owner of property and every officer or director of a corporation that owns property within the Township of South Frontenac has a duty to take all reasonable care to prevent occupants and users of their property from breaching the provisions of this By-law;
 - (a) Every person who has a duty under this section and who fails to carry out that duty is guilty of an offence.
 - (b) A director or officer of a corporation is liable to a conviction under this section whether or not the corporation has been prosecuted or convicted.”

Additional Considerations:

ENFORCEMENT:

This by-law shall be enforced by the by-law enforcement officers of the Municipality.

- a) No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this by-law. Without limiting the generality of the foregoing, for purposes of this By-law, any person who fails to provide proof of identification satisfactory to the Provincial Offences Officer when requested to do so by the Provincial Offences Officer is deemed to obstruct an Officer under this By-Law.

Additional Considerations:

Schedule B

Administrative Monetary Penalties

By-Law Number 2004-93, A By-Law to License Trailers Which Are Lawfully Located in The Municipality Except Those Located In An Established Trailer Park In The Municipality		
By-Law Section	Short Wording	Penalty Amount
3.1	No person shall use and or keep a trailer on any property within the Township ; except in an established Trailer Park, where the use is permitted and conforms to the Township of South Frontenac Comprehensive Zoning By-law.	\$250.00
3.5	Obstruct an Officer	\$500.00
	Continued failure to remedy an order. (AMP may be issued once in every seven-day period when compliance is not achieved by prescribed date)	\$500.00
	Administrative Penalty Fee – Failing to pay the AMP by the date on which it is due.	\$ 50.00
	Administrative Penalty Fee – Failing to appear for a hearing before the Hearings Officer	\$100.00
	Screening Officer Appeal Fee	\$ 50.00
	Hearing Officer Appeal Fee	\$200.00

**ANY
QUESTIONS?**

