

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW NO. 2021 - 126

BEING A BY-LAW TO IMPLEMENT AN ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS) IN THE TOWNSHIP OF LAKE OF BAYS, AS PERMITTED UNDER THE MUNICIPAL ACT AND WILL BE REFERRED TO AS THE “AMPS BY-LAW”

WHEREAS the Council of the Township of Lake of Bays, pursuant to Sections 8, 9 and 10 of the *Municipal Act*, is implementing an Administrative Monetary Penalty System (referred to as the AMPS Program) that will allow the municipality to govern its affairs, respond to municipal issues; while at the same time – ensuring accountability, transparency and protection of persons and property within the Municipality; and

WHEREAS Sections 23.1, 23.2, 23.3, and 23.5 of the *Municipal Act, 2001* authorizes the municipality to delegate its administrative and hearing powers; and

WHEREAS Section 391 of Part XII of the *Municipal Act* enables a municipality to pass By-laws for imposing fees or charges to permits and services provided or done by them; and

WHEREAS Section 434.1 of the *Municipal Act* allows a municipality to impose a system of administrative monetary penalties and fees as a means of encouraging compliance with Designated By-laws; and

WHEREAS pursuant to Section 434.2 of the *Municipal Act*, provides that an Administrative Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality; and

WHEREAS pursuant to O. Reg. 333/07: Administrative Penalties, under the *Municipal Act*, a municipality may establish a system of administrative penalties respecting the parking, standing, or stopping of vehicles; and

WHEREAS Section 102.1 of the *Municipal Act*, a municipality may require a person to pay an administrative 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* authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

WHEREAS the Council of the Corporation of the Township of Lake of Bays deems it desirable to implement an Administrative Monetary Penalty System (AMPS) Program including penalties and fees for designated Municipal By-laws, or portions of designated Municipal By-laws.

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays, a municipal corporation pursuant to the Municipal Act, 2001, as amended enacts as follows:

1. SHORT TITLE

- 1.1. This By-law may be referred to as the “AMPS By-law” for Designated By-laws and approved Administrative Penalties.

2. DEFINITIONS

For the purpose of this By-law:

- 2.1. **Administrative Fee** refers to any fee defined in a Designated By-law, or set out in the Fees & Charges By-law, as amended from time to time;
- 2.2. **Administrative Penalty (AMP)** refers to a financial penalty set out in Schedule ‘A’ attached to this By-law, as amended from time to time, as authorized under section 434.1 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, issued to a person, property, vehicle, or owner of a vehicle, where there has been a contravention of or failure to comply with any provision of a Designated By-law;
- 2.3. **Administrative Monetary Penalty System (AMPS Program)** refers to the program that the Township has implemented to encourage compliance with Designated By-laws and provide accountability, which includes financial penalties, administrative fees, review for penalties received, and policies and procedures administered by the Township;
- 2.4. **Authorized Representative** means someone appearing on behalf of a Person in accordance with a written authorization provided upon request to the Director, and who is not required to be licenced by any professional body;
- 2.5. **By-law Enforcement Officer** means a municipal law enforcement officer of the Corporation of the Township of Lake of Bays who is dually appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation’s By-laws.

- 2.6. **Clerk** means the Municipal Clerk, their delegate, or anyone designated by the Clerk to perform duties for the Corporation of the Township of Lake of Bays;
- 2.7. **Council** means the Council of the Township of Lake of Bays;
- 2.8. **Corporation** means a body incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, or the *Corporations Act*, R.S.O. 1990, c. C. 38;
- 2.9. **Date or Day** means any calendar day;
- 2.10. **Date of Contravention** means the date on which there was an alleged contravention of a Designated By-law, which may be different from the date of issuance and/or the effective date if the Penalty Notice is served on a date that is after the date of contravention;
- 2.11. **Date of Issuance** means the date on which the Penalty Notice was completed and served according to subsection 8 of this By-law;
- 2.12. **Designated By-law** means a by-law, or part or provision of a by-law, that is designated under this or another by-law, and is listed in Schedule 'A' attached to this By-law to which the AMP applies;
- 2.13. **Director** means the Director of Building & By-law Services for the Township and his or her designate or successor;
- 2.14. **Effective Date** means the date on which service of a Penalty Notice is deemed to be effective in accordance with Section 8 of this By-law;
- 2.15. **Fee** means a fee payable under the Fees & Charges By-law, as amended from time to time, and is not prorated.
- 2.16. **Hearing Decision** means a notice which contains the decision made by a Hearing Officer;
- 2.17. **Hearing Non-Appearance Fee** means an Administrative Fee under the Fees & Charges By-law, as amended from time to time, in respect of a Person's failure to appear at the time and place scheduled for a hearing before a Hearing Officer;
- 2.18. **Hearing Officer** means any person appointed by the Township, from time to time, to perform the functions of a Hearing Officer in accordance with this By-law;
- 2.19. **Holiday** means a Saturday, Sunday and any statutory holiday in the Province of Ontario or any day on which the offices of the Township are officially closed for business;
- 2.20. **Late Payment Fee** means an Administrative Fee under the Fees & Charges By-law, as amended from time to time, in respect of a Person's failure to pay an Administrative Penalty within the time prescribed in this By-law;
- 2.21. **NSF Fee** means an Administrative Fee under the Fees & Charges By-law, as amended from time to time, in respect of any payment to the Township from a Person, for which there are insufficient funds available, or the transaction is declined;
- 2.22. **Officer** means a Police Officer, Fire Inspector, Building Official, By-law Enforcement Officer or their authorized designate to enforce Township By-laws;
- 2.23. **Owner** means the person whose name appears on one or more of the following:
 - a) Property Roll number or Land registry document,
 - b) Corporation ownership documents,
 - c) vehicle permit as licenced by the Ontario Ministry of Transportation;
- 2.24. **Penalty Notice** means a notice given to a Person as described in this By-law;
- 2.25. **Penalty Notice Number** means the reference number specified on the Penalty Notice that is unique to that Penalty Notice, pursuant to this By-law;
- 2.26. **Person** includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, and, in relation to vehicle, parking or traffic-related contraventions, whose name appears on the vehicle permit as provided by the

Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different Persons are named on each portion, the Person whose name appears on the licence plate portion, as provided by the Ontario Ministry of Transportation, is the Person for the purposes of this By-law;

- 2.27. **Plate Denial Fee** means an Administrative Fee under the Fees & Charges By-law as amended from time to time, in respect to a Person's failure to pay within the time prescribed prior to a request for plate denial, in accordance with this By-law;
- 2.28. **Regulation** means Ontario Regulation 333/07 under the Municipal Act;
- 2.29. **Request for Review by Hearing Officer** means the request which may be made in accordance with this By-law for the review of a Screening Decision;
- 2.30. **Request for Review by Screening Officer** means the request made in accordance with this by-law for the review of a Penalty Notice;
- 2.31. **Screening Decision** means a notice which contains the decision of a Screening Officer, as set out in Section 6 in this By-law;
- 2.32. **Screening Non-Appearance Fee** means an Administrative Fee under the Fees & Charges By-law, as amended from time to time, in respect of a Person's failure to appear at the time and place scheduled for a screening before a Screening Officer;
- 2.33. **Screening Officer** means any person appointed by the Township from time to time, to perform the functions of a Screening Officer pursuant to this By-law;
- 2.34. **Township** means the Corporation of the Township of Lake of Bays in the District of Muskoka.

3. APPLICATION

- 3.1. The Designated By-laws, or portions of Designated By-laws, listed in Schedule 'A' of this By-law sets out the Administrative Penalties and may include short form language used on Penalty Notices for the contravention of Designated By-laws.
- 3.2. Fees imposed for the purposes of this By-law shall be set out in the Fees & Charges By-law, as amended from time to time.
- 3.3. 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, and Section 102.1 of the *Municipal Act, 2001*.
- 3.4. The *Provincial Offences Act* applies to all Designated By-laws except to a Designated By-law respecting the parking, standing, or stopping of vehicles.
- 3.5. Screening Officers and Hearing Officers conducting a review or 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

- 4.1. Every person who contravenes a Designated By-law shall, upon issuance of a Penalty Notice, be liable to pay the Township an Administrative Penalty in an amount specified in Schedule 'A' to this By-law.
- 4.2. An Officer who has reason to believe that a Person has contravened any Designated By-laws may issue a Penalty Notice to that Person.
- 4.3. A Penalty Notice shall include the information, as applicable:
 - a) Date of violation;
 - b) The Penalty Notice date;
 - c) A Penalty Notice Reference Number;
 - d) The date on which the Administrative Penalty is due and payable, fifteen (15) days from service of the Penalty Notice;
 - e) The identification number and signature of the Officer;
 - f) The contravention working as listed in the attached Schedules, or other particulars reasonably sufficient to indicate the contravention;

- g) The amount of the Administrative Penalty;
- h) Payment options;
- i) Timelines for payment of Administrative Penalty or applicable Administrative Fee(s);
- j) Such additional information as the Director determines is appropriate, respecting the process by which a Person may exercise the right to request a Screening Review of the Administrative Penalty; and
- k) A statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the Township unless cancelled pursuant to Screening Review or Hearing process.

4.4. In addition, to the service methods provided in Section 8 “Service of Documents” of this By-law, an Officer may serve the Penalty Notice on a Person by:

- a) Affixing it to the vehicles in a conspicuous place at the time of a parking or traffic-related contravention; or
- b) Delivering it personally to the Person;
 - i. When relating to a parking or traffic-related contravention, the Person having care and control of the vehicle at the time of the contravention, within seven (7) days of the contravention; or
 - ii. For all other contraventions, within fifteen (15) days of the contravention.

4.5. No Officer may accept payment of an Administrative Penalty or Administrative Fee.

4.6. 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 Township any applicable Administrative Fee(s).

4.7. A person who has been issued a penalty notice shall:

- a) pay the Administrative Penalty within fifteen (15) days; or
- b) no later than fifteen (15) days after the Effective Date, request the Administrative Penalty be reviewed by a Screening Officer in accordance with Section 6.

5. VOLUNTARY PAYMENT OF PENALTY NOTICE

5.1. Where a Penalty Notice has been paid, the Penalty Notice shall not be subject to any further review.

5.2. A Penalty Notice shall be deemed to have been paid when the amount and all fees prescribed in this By-law have been paid.

6. REVIEW BY SCREENING OFFICER

6.1. 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 before the effective date which the Administrative Penalty is due and payable.

6.2. 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 a Screening Officer extends the time to request a Screening Review to a date no later than forty-five (45) days after the Penalty Notice Date.

6.3. A Person’s right to request an extension of time for a Screening Review expires, if it has not been exercised, on or before forty-five days after the effective 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;
- b) The Administrative Penalty 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.

6.4. A Person’s request for Review by a Screening Officer or request for an extension of time to request a Screening Review are exercised by a submission in writing, in the prescribed form and in accordance with the directions on the prescribed form.

6.5. A request for review by Screening Officer or request for an extension of time to request a Screening Review shall be served in accordance with the provisions of Section 8 of this By-law.

- 6.6. The Director may grant a request to extend the time to request a Screening Review where a Person demonstrates, to the satisfaction of the director, that the existence of extenuating circumstances prevented the filing of the request within the prescribed timeline.
- 6.7. Where an extension of time to request a Screening Review is not granted by the Director, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed. Notice of this decision will be provided by the director to the Person in accordance with Section 8.
- 6.8. Where an extension of time to request a Screening Review is granted by the Director, or when a Screening Review has been requested in accordance with this Section, Notice of an Appointment for Screening Review will be provided in accordance with Section 8.
- 6.9. Where a Person fails to attend at the time and place scheduled for a Screening Review of an Administrative Penalty, or fails to provide requested documentation in accordance with a request by a Screening Officer:
 - 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 in the Penalty Notice shall be deemed to be confirmed, and is payable no later than:
 - i. The date scheduled; or
 - ii. Thirty (30) days after the Penalty Notice's Effective Date, whichever date is later;
 - c) The Administrative Penalty shall not be subject to any further review, including a review by any Court; and
 - d) The Person shall pay the Township a Screening Non-Appearance Fee, MTO fee, if applicable, and any other applicable Administrative Fee(s).
- 6.10. After considering a request to review, a Screening Officer may:
 - a) Affirm the Administrative Penalty;
 - b) cancel, reduce, or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law, and/or any of the following circumstances exist:
 - i. Defective form or substance on the Penalty Notice;
 - ii. Service of the Penalty Notice did not occur in accordance with Section 8; or
 - iii. Undue financial hardship.
- 6.11. The Screening Officer may request such information from a person as the Screening Officer considers relevant to a request to review.
- 6.12. A Screening Officer shall inform a person of his or her decision at the conclusion of a review.

7. APPEAL TO HEARING OFFICER

- 7.1. A person may request an appeal of a Screening Officer's decision by attending at the location or locations as specified on the Penalty Notice no later than fifteen (15) days after the date on which the Screening Officer's decision is given to them.
- 7.2. Despite subsection 7.1, a person may request that a Hearing Officer extend the time to appeal from sixteen (16) days to no later than thirty (30) days after the Screening Officer's decision has been given to them, if the person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that prevented the person from appealing in accordance with subsection 7.1.
- 7.3. The Hearing Officer may request such information for a person as the Hearing Officer considers relevant to a request to extend the time to appeal.
- 7.4. A Person's right to request an extension of time for a Hearing Appeal expires, if it has not been exercised, on or before thirty (30) days after the Screening Decision date, at which time:
 - a) The Person shall be deemed to have waived the right to request an appeal by a Hearing Officer or request an extension of time for an appeal by a Hearing Officer;

- b) The Screening Decision is confirmed; and
 - c) The Administrative Penalty shall not be subject to any further review, including a review by any Court.
- 7.5. A Person's request for appeal by a Hearing Officer or request for an extension of time to request a review by a Hearing Officer are exercised by a submission in writing, in the prescribed form and in accordance with the directions on the prescribed form.
- 7.6. A request for an appeal by a Hearing Officer or a request for an extension of time to request an appeal by a Hearing officer shall only be scheduled by the Director if the Person makes the request on or before the dates established by Section 7(1) of this By-law.
- 7.7. The Director may grant a request to extend the time to request an appeal by a Hearing Officer only where the Person demonstrates, to the satisfaction of the Director in his/her sole discretion that they were not served in accordance with Section 8.
- 7.8. Where a Person fails to attend at the date, time and place scheduled in accordance with subsection 7.1 for a Hearing:
- a) The Person shall be deemed to have abandoned the request for an appeal of the Hearing;
 - b) The Screening Officer's decision and the Administrative Penalty and any Administrative Fee(s) shall be deemed to be confirmed;
 - c) The Administrative Penalty and any Administrative Fee(s) is payable no later than:
 - i. The date as determined by the Screening Officer;
 - ii. The date scheduled; or
 - iii. Thirty (30) days after the date of the Screening Officer's decision, whichever date is later;
 - d) The Person shall pay to the Township a Hearing Non-Appearance fee, Late Payment fee, MTO Fee if applicable, and any other applicable Administrative Fee(s).
 - e) The Administrative Penalty is not subject to any further review or appeal by any Court.
- 7.9. *The Statutory Powers Procedure Act* applies to the consideration of an appeal by a Hearing Officer.
- 7.10. The Hearing Officer may request such information from a person as the Hearing Officer considers relevant to considering an appeal.
- 7.11. After considering an appeal, including hearing from the parties, a Hearing Officer may decide to:
- a) Affirm the Administrative Penalty;
 - b) cancel, reduce or extend the time for payment of the Administrative Penalty, including Administrative Fee(s), on the following grounds:
 - i. There is reason to doubt the person contravened the Designated By- law;
 - ii. The person took all reasonable steps to prevent the contravention; or
 - iii. The cancelation, reduction, or extension of time for payment is necessary to relieve undue financial hardship.
- 7.12. In addition to anything else that is admissible as evidence at an appeal in accordance with the *Statutory Powers Procedure Act*, the following are admissible 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.
- 7.13. If certified evidence referred to in subsection 7.9 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.

- 7.14. A Hearing Officer shall give the written decision to the Person at the conclusion of the Hearing.
- 7.15. If a Hearing Officer's decision affirms, reduces, or extends the time to pay an Administrative Penalty, the Administrative Penalty and any Administrative Fee(s) is payable no later than:
- a) The date as determined by the Hearing Officer;
 - b) The date of the Hearing Officer's decision; or
 - c) Thirty (30) days after the Screening Officer's decision, whichever date is later.
- 7.16. If a person who has been given a Screening Officer's decision has not acted in accordance with subsections 7.1, 7.2, and 7.3, then:
- a) They are deemed to have waived their right to appeal;
 - b) The Screening Officer's decision is affirmed;
 - c) The Administrative Penalty and any Administrative Fee(s) is payable no later than:
 - i. The date as determined by the Screening Officer; or
 - ii. Thirty (30) days after the date of the Screening Officer's decision, whichever date is later; and
 - d) The Administrative Penalty the Administrative Penalty is not subject to any further review or appeal to the Township (reference to *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.
- 7.17. If a Hearing Officer does not extend a person's time to appeal under subsections 7.2 and 7.3, then:
- a) The Screening Officer's decision is affirmed;
 - b) The Administrative Penalty and any Administrative Fee(s) is payable no later than:
 - i. The date as determined by the Screening Officer;
 - ii. The date of the Hearing Officer's decision; or
 - iii. Thirty (30) days after the date of the Screening Officer's decision, whichever date is later; and
 - c) The Administrative Penalty is not subject to any further review or appeal by any Court.

8. SERVICE OF DOCUMENTS

- 8.1. The Township may serve any document, notice or decision, including a Penalty Notice pursuant to this By-law, including but not limited to a penalty notice, within thirty (30) days of becoming aware of an alleged offence of a Designated By-law, by one (1) or more of the following:

Method of Service	Date of Issuance	Effective Date
Personally	Date given to person	Same as Date of Issuance
Leave / post at address	Date left at address	Same as Date of Issuance
Fax / Email	Date fax/email is sent	Same as Date of Issuance
Regular / Registered Mail	Date of mailing	Five (5) days after date of mailing

- 8.2. A Person's last known number or address includes the number or address provided by the Person to the Township during any transaction between the Township and the Person, or the information included in the property tax file.
- 8.3. If a notice document that has been given or delivered to a Person under this By-law is mailed to the Person at the Person's last known address appearing on the records of the Township as part of a proceeding under this By-law, or sent electronically to an email address that was provided by

the Person, there is a irrebuttable presumption that the notice or document is given or delivered to the person.

- 8.4. In addition to the service of documents provided for under subsection 8.1, an Officer may serve the penalty notice for a contravention of a Designated By-law 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.
- 8.5. When a Penalty Notice is served under subsection 6.4, the date of issuance and effective date shall be one in the same.

9. ADMINISTRATION

- 9.1. The Director, their delegate, or anyone designated by the Township shall administer this By-law and establish any additional policies and procedures necessary to implement this By-law and may amend such policies and procedures from time to time as they deem necessary, without amendment to this By-law.
- 9.2. The Director, their delegate, or anyone designated by the Township 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.
- 9.3. The Director, their delegate, or anyone designated by the Township shall establish and approve any additional policies, procedures, or by-laws for the appointment of Screening Officer(s) and Hearing Officer(s) for the purposes of the administration of this By-law, its Designated By-laws, or portions thereof.
- 9.4. An Officer may issue an Administrative Penalty to a Person, owner, corporation, agent, or their representative found in contravention of any provision of a Designated By-law.
- 9.5. An Administrative Penalty shall be issued according to Section 6 of this By-law, and shall include the following information:
- a) Information found in Schedule 'B' of this By-law;
 - b) Particulars of the contravention, including to which Premises it applies;
 - c) Amount of the Administrative Penalty;
 - d) Timelines for appeal of the Administrative Penalty;
 - e) Timelines for payment of the Administrative Penalty; and
 - f) Statement advising that administrative penalties constitute a debt to the Municipality.
- 9.6. A person who has been issued an Administrative Penalty shall pay the Administrative Penalty within thirty (30) days from the Effective date.
- 9.7. An Administrative Penalty is deemed late on the sixteenth (16th) day after the Effective Date and shall be subject to fees referred to in this By-law, and found in the Fees & Charges By-law, as amended from time to time.
- 9.8. An Administrative Penalty is deemed to be confirmed on the thirty-first (31st) day after the Effective Date and is not subject to any further appeal by any Court.
- 9.9. Where a Person makes payments to the Township 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 Township the NSF Fee set out in the Township's current User Fees & Charges By-law.
- 9.10. 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.

- 9.11. Pursuant to Section 434.2 of the *Municipal Act*, 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.
- 9.12. Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.
- 9.13. An authorized representative is permitted to appear on behalf of a Person at a Screening Review of Appeal by a Hearing Officer, or to communicate with the Township on behalf of a Person in accordance with written authorization.
- 9.14. An Officer cannot accept payment of an Administrative Penalty or any fee(s).
- 9.15. Any time limit that would otherwise expire, is extended to the next day if the expiry date occurs on:
- a) a Holiday/Statutory holiday; or
 - b) a day on which the Township's offices are not open for business.
- 9.16. A person, owner or corporation claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the Director, their delegate, or anyone designated by the Township, the Screening Officer, or the Hearing Officer, as applicable.
- 9.17. Any schedule attached to this By-law forms part of this By-law.

10. SEVERABILITY

- 10.1. 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 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.

11. SCHEDULES

- 11.1. The following schedules attached hereto form part of this By-law:
- a) Schedule 'A' Designated By-laws and Administrative Penalties
 - b) Schedule 'B' AMPS Request Form

12. EFFECTIVE DATE

- 12.1. THAT this By-law shall come into force and effect on January 1st, 2022.

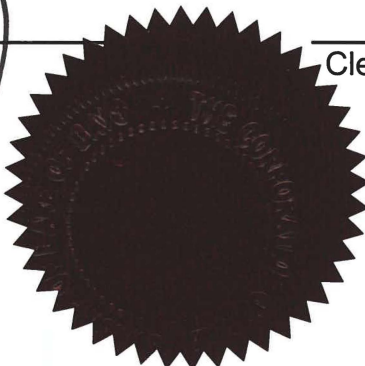
READ a FIRST, SECOND and THIRD time and passed this 7th day of December 2021.



Mayor – Terry Glover



Clerk – Carrie Sykes



SCHEDULE 'A'

Designated By-law Administrative Penalties under the AMPS By-law

SHORT-TERM RENTAL LICENCING By-law 2021-092

ITEM	COLUMN 1 By-law Section	COLUMN 2 Short Form Wording	COLUMN 3 AMP amount
1	2021-092 - 3.2	Number of guests on Premises contrary to licence	\$300.00
2	2021-092 - 3.3	Parking contrary to approved licence	\$100.00
3	2021-092 - 3.5	Failure to post required documentation	\$100.00
4	2021-092 - 3.6	Failure to provide fire extinguisher as required	\$400.00
5	2021-092 - 3.7	Failure to respond to concern within 60 minutes	\$100.00
6	2021-092 - 3.8	Failure to attend premises within 24 hours	\$200.00
7	2021-092 - 4.6	Failure to notify of licence changes within 7 days	\$100.00
8	2021-092 - 8.5	Removal of STR placard/order without consent	\$100.00
9	2021-092 - 11.1	Operating STR without a licence	\$300.00
10	2021-092 - 11.2	Advertising STR without a licence	\$300.00
11	2021-092 - 11.3	Operating STR for Commercial activities	\$300.00
12	2021-092 - 11.4	Providing false information on STR application	\$400.00
13	2021-092 - 11.5	Operating STR contrary to STR licence	\$300.00
14	2021-092 - 11.7	Renting rooms contrary to approved licence class	\$300.00
15	2021-092 - 11.8	Violation of Renter's code of conduct	\$200.00
16	2021-092 - 12.1	Hinder / Obstruct an officer while on duty	\$500.00
17	2021-092 - 13.3	Failure to comply with an order	\$400.00

SCHEDULE 'A' – Designated By-laws (continued)

NOISE CONTROL BY-LAW 2021-029

ITEM	COLUMN 1 By-law Section	COLUMN 2 Short Form Wording	COLUMN 3 AMP amount
1	2021-029 – 9, Schedule A, item 1	Emit/cause/permit noise from amplified sound	\$75.00
2	2021-029 – 9, Schedule A, item 2	Emit/cause/permit noise from fireworks	\$75.00
3	2021-029 – 9, Schedule A, item 3	Permit dog to make noise	\$75.00
4	2021-029 – 9, Schedule A, item 4	Cause or permit noise from equipment without muffling device	\$75.00
5	2021-029 – 9, Schedule A, item 5	Cause/permit noise from domestic work activity	\$75.00
6	2021-029 – 9, Schedule A, item 6	Permit noise from engine idling longer than five (5) minutes	\$75.00
7	2021-029 – 9, Schedule A, item 7	Cause or permit noise from revving an engine	\$75.00
8	2021-029 – 10 Schedule B, item 1	Yelling when prohibited	\$75.00
9	2021-029 – 10 Schedule B, item 2	Cause or permit amplified sound when prohibited	\$75.00
10	2021-029 – 10 Schedule B, item 3	Cause or permit noise from construction equipment or activity when prohibited	\$75.00
11	2021-029 – 10 Schedule B, item 4	Cause or permit noise from tool or equipment when prohibited	\$75.00
12	2021-029 – 10 Schedule B, item 5	Emit/cause/permit noise from non-essential material handling purposes when prohibited	\$75.00
13	2021-029 – 10 Schedule B, item 6	Cause or permit noise from a toy, model or replica when prohibited	\$75.00
14	2021-029 – 10 Schedule B, item 7	Emit, cause, or permit noise from auditory signalling devices when prohibited	\$75.00
15	2021-029 – 10 Schedule B, item 8	Cause or permit noise from the discharge of fireworks during fire ban	\$200.00
16	2021-029 – 10 Schedule B, item 8	Cause or permit noise from the discharge of fireworks when prohibited	\$75.00
17	2021-029 – 12	Cause or permit noise without an approved exemption	\$100.00
18	2021-029 – 15	Providing false/misleading information on application form	\$75.00
19	2021-029 – 26	Cause or permit the breach of approved noise exemption	\$100.00

SCHEDULE 'A' – Designated By-laws (continued)

CONTROL & LICENCING OF DOGS BY-LAW 2014-134


ITEM	COLUMN 1 By-law Section	COLUMN 2 Short Form Wording	COLUMN 3 AMP amount
1	2014-134 – 2.3	Failure to obey muzzle order	\$150.00
2	2014-134 – 3.1	Failure to pay licence fee	\$50.00
3	2014-134 – 3.4	Failure to affix dog tag	\$50.00
4	2014-134 – 3.5	Fail to provide changes to owner information	\$50.00
5	2014-134 – 4.1	Failure to remove excrement	\$75.00
6	2014-134 – 4.2	Failure to restrain a dog in public	\$100.00
7	2014-134 – 4.3	Allowing dog to run at large or create nuisance	\$100.00
8	2014-134 – 4.7	Allowing dog to trespass on private property	\$75.00
9	2014-134 – 4.8	Allowing a dog on beach when prohibited	\$100.00
10	2014-134 – 4.9	Failure to restrain dog on municipal property	\$100.00
11	2014-134 – 4.10	Allowing dog into municipal building/facility	\$75.00
12	2014-134 – 4.13	Allowing dog to persistently bark/create noise	\$100.00

SCHEDULE 'A' – Designated By-laws (continued)

BUILDING BY-LAW 2021-125

Item	Offence Creating Provision	Short Form Wording	Penalty
1	8(1) of the Act	Construct a building without a permit	\$400.00
2	8(1) of the Act	Cause construction of building without a permit	\$400.00
3	8(1) of the Act	Demolish a building without a permit	\$300.00
4	8(1) of the Act	Cause demolition of a building without a permit	\$300.00
5	8(12) of the Act	Change plans without authorization	\$200.00
6	8(13)	Construct a building not in accordance with plans	\$200.00
7	10(1) of the Act	Change the use of a building without a permit	\$400.00
8	11 of the Act	Occupy a building newly erected without notice or inspection	\$400.00
9	20 of the Act	Obstruct or remove a posted order without authorization	\$400.00
10	36(1)(a) of the Act	Furnish false information on an application for a permit	\$400.00
11	Div. C sentence 1.3.3.4.(1) of the Building Code	Commence demolition before a building has been vacated	\$500.00
12	Div. C article 1.3.2.1 of the Building Code	Fail to post a permit on the construction site	\$200.00
13	Div. C article 1.3.2.1 of the Building Code	Fail to post a permit on the demolition site	\$200.00
14	Div. C sentence 1.3.3.1.(1) of the Building Code	Occupy an unfinished building without a permit	\$400.00
15	Div. C sentence 1.3.5.1 (1) of the Building Code	Fail to provide notification of construction phase	\$300.00
16	12(2) of the Act	Fail to Comply With an order to comply	\$500.00
17	13(1) of the Act	Fail to Comply With an order not to cover	\$500.00
18	13(6) of the Act	Fail to Comply With an order to uncover	\$500.00
19	14(1) of the Act	Fail to Comply With a stop work order	\$500.00
20	15.9(4) of the Act	Fail to Comply With an order to remedy an unsafe building	\$500.00
21	15.9(6) of the Act	Fail to Comply With an order prohibiting use or occupancy of an unsafe building	\$500.00
22	15.10(1) of the Act	Fail to Comply With an order to repair a dangerous building	\$500.00
23	8.03 (b) of this by-law	Hinders or obstructs a person lawfully carrying out the enforcement of this by-law	\$500.00

SCHEDULE 'B' – AMPS Request Form

 LAKE OF BAYS <small>MUSKOKA</small>	<h2 style="margin:0;">AMPS REQUEST FORM</h2> <p style="margin:0;">Township of Lake of Bays Main Office – 1012 Dwight Beach Road, Dwight, ON, P0A 1H0 Questions? Phone: 1-705-635-2272, Website: www.LakeofBays.ca</p>			
IMPORTANT INFORMATION TO READ PRIOR TO COMPLETING REQUEST FORM				
<p>€ Applicants are responsible for completing all required portions of the applicant portion of this form, and any false or misleading information may lead to this request being null and void.</p> <p>€ Personal information contained on this form is collected under the authority of Part IV and Section 11 of the <i>Municipal Act, 2001</i> and will be used for the administration of the AMPS Program. Questions concerning collection of personal information should be directed to the Clerk, Director of Corporate Services for the Township.</p> <p>€ Any supporting evidence (photos or documents) for your Screening request must be brought with you or attached to this completed form and the number of items noted.</p> <p>€ Any supporting evidence NOT presented for the Screening is NOT ADMISSABLE at the Hearing</p>				
TO BE COMPLETED BY APPLICANT				
Check any of the boxes below that applies to you, as the APPLICANT for this AMPS Request Form				
<input type="checkbox"/> Penalty Notice Recipient	<input type="checkbox"/> Authorized Representative	<input type="checkbox"/> Property Owner	<input type="checkbox"/> Vehicle Owner	
PENALTY NOTICE RECIPIENT				
NAME (First and Last)	Address (street, town, province)	Postal Code		
EMAIL	Home Phone #	Other Phone #		
AUTHORIZED REPRESENTATIVE (to be completed IF REPRESENTATIVE is accompanying Recipient)				
NAME (First and Last)	Address (street, town, province)	Postal Code		
EMAIL	Home Phone #	Other Phone #		
PENALTY NOTICE INFORMATION (found on notice received)				
Penalty Notice Number	Name / Address / Plate # on Notice	Offence committed (as per Notice)		
By-law / Section #	Address of Offence	Issued: In Person / Mail / Vehicle		
TYPE OF REQUEST (under AMPS By-law)				
<input type="checkbox"/> SCREENING REVIEW	<input type="checkbox"/> APPEAL TO HEARING	<input type="checkbox"/> EXTENSION OF TIME TO PAY	<input type="checkbox"/> EXTENSION OF TIME FOR A SCREENING	<input type="checkbox"/> EXTENSION OF TIME FOR A HEARING
In the space below, provide a factual and detailed explanation of your reason(s) for the Request:				
APPLICANT SIGNATURE	DATE / TIME			
AMPS REQUESTS MUST BE SUBMITTED BY:				
<ol style="list-style-type: none"> 1. In person or by Mail: Township of Lake of Bays Office, 1012 Dwight Beach Road, Dwight, ON, P0A 1H0 2. ONLINE FORM at www.LakeofBays.ca 3. Email completed and signed form (with attachments) to AMPS@LakeofBays.on.ca or CCollings@LakeofBays.on.ca <p style="margin: 0;">Questions? Call 1-705-635-2272, Ext. 1246 or refer to www.lakeofbays.ca and type in "AMPS"</p>				
TO BE COMPLETED BY TOWNSHIP / APPOINTED OFFICER / AUTHORIZED STAFF				
Name	Role / Position	Date Received	Signature / Initials	
IS REQUEST COMPLETE? (applicant information complete / request signed) YES or NO				
Additional information/evidence attached to request? YES or NO Number of items				