

The Corporation of the Town of The Blue Mountains

By-Law Number 2024 – _____

Being a By-law to amend By-Law 2021-71, being a Bylaw to Establish a Comprehensive System of Administrative Monetary Penalties for the Town of The Blue Mountains

WHEREAS The Town of the Blue Mountains has a system of Administrative Monetary Penalties which is administered in accordance with By-law 2021-71 (the “By-law”)

AND WHEREAS section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25, (the “Act”) 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 a by-law of the municipality passed under the Municipal Act, as amended;

AND WHEREAS section 434.2 of the Municipal Act provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS the Province of Ontario adopted the “Administrative Penalties” regulation, O. Reg 333/07 pursuant to the Municipal Act, as amended;

AND WHEREAS, further to staff report “FAF.24.061 Public Consultation for Revisions to the Licensing Bylaw and the Administrative Monetary Penalties By-law” considered at the May 13, 2024 Council Meeting, the receipt of comments at the July 9, 2024 Public Meeting, and consideration of staff report “FAF.24.095 Follow Up to the Municipal Licensing By-law and Administrative Monetary Penalty By-law Public Meeting” at the September 30, 2024 Council Meeting, Council deems it appropriate to amend By-law 2021-71, being a Bylaw to Establish a Comprehensive System of Administrative Monetary Penalties;

NOW THEREFORE, Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

That By-law 2021-71, as amended, being the “Administrative Monetary Penalties By-law” is hereby amended as follows:

1. Sections 7.2, 7.3, and 7.4 are repealed and replaced with the following:

7.2 A Person's right to request a review is exercised by:

- a) calling the telephone number, emailing the email address listed on the Penalty Notice, or attending Town Hall in person as noted on the Penalty Notice.

7.3 A Person's right to request a Screening expires if it has not been exercised within 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 review;
- b) the Administrative Monetary Penalty, including any administrative fees, shall be deemed to be affirmed on the 16th day after the Penalty Notice Date; and
- c) the Administrative Monetary Penalty, including any administrative fees, is not subject to any further review, including review by any court.

7.4 A review shall only be scheduled by the Town if the Person has exercised his or her right to request a review within the time limits set out in section 7.1.

2. Sections 8.2 and 8.3 are repealed and replaced with the following:

8.2 A Person's right to request a hearing expires if it has not been exercised within fifteen (15) days after the Screening Decision has been delivered at which time:

- a) the Person shall be deemed to have waived the right to request a hearing;
- b) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, shall be deemed to be affirmed; and
- c) the Screening Decision, which includes the Administrative Monetary Penalty and any administrative fees, is not subject to any further review, including review by any court.

8.3 A Person's right to request a review of a Screening Decision is exercised by:

- a) Contacting the Town's By-law Enforcement staff by phone or email or by attending Town Hall in person.

3. Schedule A of By-law 2021-71 is repealed in its entirety and replaced with Schedule A as attached to the within By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this day of , 2024

Andrea Matrosovs, Mayor

Corrina Giles, Town Clerk

SCHEDULE A TO BY-LAW 2021-71

DESIGNATED BY-LAW PROVISIONS

I. LICENSING BY-LAW

For the purpose of section 2.1 of this By-law:

- a) Column 1 in the following table lists the provisions in the Licensing By-law No. 2024-XX as amended, that are hereby designated for the purposes of section 434.1 of the *Municipal Act, 2001*, 5.0. 2001, c. 25, as amended;
- b) Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1;
- c) Column 3 in the following table sets out the Administrative Monetary Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

Item	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Monetary Penalty
1	Schedule C, D, E, F, G Section 2.4	Exceeding Maximum Permitted Occupancy	\$1,500
2	Schedule C, D, E Section 2.9	Non-availability of Responsible Person	\$2,000
3	Schedule G Section 2.9	Non-availability of Rental or Lease Management Program Representative	\$2,000
4	Schedule C, D, E, F, G Section 2.6	Fail to post Licence	\$1,500 for first offence \$4,000 per offence thereafter
5	Section 2.3	Operate without a Licence	\$10,000 for first offence \$15,000 for second offence \$20,000 per offence thereafter
6	Section 2.4	Advertise without a Licence – Short Term Rental Property Unit	\$4,000 for first offence \$8,000 per offence thereafter
7	Section 2.4	Advertise without a Licence – Bed and Breakfast Establishment	\$4,000 for first offence \$8,000 per offence thereafter
8	Schedule F Section 2.5	Failure of the Licensee to be on site at the Premises between the hours of 2200 and 0700	\$5,000
9	Section 2.12	Permit an activity that causes a nuisance	\$2,500

Item	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Monetary Penalty
10	Schedule C, D, E Section 2.7 Schedule F Section 2.5	Use premises contrary to Parking Management Plan	\$3,000
11	Schedule C, D, E Section 2.7	Operating without a functioning noise notification system where required	\$2,500
12	Schedule C, D, E Section 2.7	Use or permit the use of an outdoor hot tub or pool between 2300 and 0700 hours	\$5,000
13	Schedule C, D, E Section 2.7	Failure to properly secure or cover a Pool or Hot Tub between 2300 and 0700 hours	\$2,500
14	Schedule C, D, E Section 2.7	Use or permit the use or ignition of an outdoor fire or fire pit without a permit	\$5,000
15	Section 13	Failure to Comply with an Order	\$5,000
16	Schedule C, D, E, G Section 2.1 Schedule F Section 2.2	Modifying any aspect of an approved site plan without receiving formal approval by the Town through an amended updated licence being issued by the licence issuer	\$10,000
17	Schedule C, D, E Section 2.7	Failure to permit an officer with either internal or external access to a property that has a municipal licence	\$2,000 for first offence \$5,000 per offence thereafter
18	Schedule C, D, E Section 2.7	Use a Barbeque that is fueled with something other than propane or natural gas	\$5,000
19	Section 14.10	No person shall hinder or obstruct, or attempt to hinder or obstruct, any officer exercising a power or performing a duty under this By-law	\$500 for first offence \$2,000 per offence thereafter
20	Section 5.4	Fail to provide copies of required documents	\$500 for first offence \$2,000 per offence thereafter

II. PARKING BY-LAW

For the purposes of section 2.1 of this By-law:

- a. The Parking By-law 2022-49 is a Designated By-law;
- b. The penalties for a contravention of the Parking By-law 2022-49 are set out in Schedule 3 of the Parking By-law (*By-law 2022-50*).

III. REGULATION OF WATER SUPPLY BY-LAW

For the purpose of section 2.1 of the By-law:

- a. The Regulation of Water Supply By-law 2023-37 is a Designated By-law;
- b. The penalties for a contravention of the Regulation of Water Supply By-law 2023-37 are set out in Schedule B of the Regulation of Water Supply By-law 2023-37 (*By-law 2023-40*).

IV. BACKFLOW PREVENTION BY-LAW

For the purpose of section 2.1 of the By-law:

- a. The Backflow Prevention By-law 2013-31 is a Designated By-law;
- b. The penalties for a contravention of the Backflow Prevention By-law 2013-31 are set out in Schedule C of the Backflow Prevention By-law 2013-31 (*By-law 2023-40*).

V. SEWER USE BY-LAW

For the purpose of section 2.1 of the By-law:

- a. The Sewer Use By-law 2019-62 is a Designated By-law.
- b. The penalties for a contravention of the Sewer Use By-law 2019-62 are set out in Schedule A of the Sewer Use By-law 2019-62 (*By-law 2023-40*).

VI. WASTE MANAGEMENT BY-LAW

For the purpose of section 2.1 of the By-law:

- a. The Waste Management By-law 2023-69 is a Designated By-law.
- b. The penalties for a contravention of the Waste Management By-law 2023-69 are set out in Schedule E of the Waste Management By-law 2023-69 (*By-law 2023-69*).