



Town of Newmarket
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Updated Amendments to the Administrative Monetary Penalty System Staff Report to Council

Report Number: 2020-87

Department(s): Legislative Services

Author(s): Flynn Scott, Manager of Regulatory Services

Meeting Date: November 16, 2020

Recommendations

1. That the report entitled Updated Amendments to the Administrative Monetary Penalty System dated November 16, 2020 be received; and,
2. That Council amend AMPS By-law 2019-62; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to present Council with next steps regarding the transition of existing regulatory by-laws under the Administrative Monetary Penalty System (AMPS) By-law 2019-62.

Background

In June 2018, Council directed staff to move forward with the implementation of the Administrative Monetary Penalty System (AMPS) for parking matters in Q1/Q2 of 2020. Since initial implementation, the Town has moved forward with integrating 19 regulatory by-laws under the AMPS model as follows:

- Accessory Dwelling Units By-law;
- Animal Control By-law;
- Business Licence By-law;

- Clean Yards By-law;
- Clothing Donation Bins By-law;
- Fence By-law;
- Fireworks By-law;
- Loitering By-law;
- Mobile Business Licence By-law;
- Noise By-law;
- Outdoor Serving Areas By-law;
- Parking By-law;
- Parks By-law;
- Property Standards By-law;
- Second Hand Goods Shops By-law;
- Sign By-law;
- Smoking By-law;
- Waste Collection By-law; and
- Emergency Measures By-law.

As Town by-laws are amended or new by-laws are proposed, Town staff will continue to recommend their alignment under the AMPS model.

Discussion

Through the AMPS model, the Town of Newmarket has governance over ticket dispute processes. This model has been highly effective for the public receiving an enhanced response to disputes and increased customer service via Town processes that have been established in-house to replace the current process available through the provincial court system.

Proposed Changes to Schedule A of AMPS By-law 2019-62

In order to maintain continuity with transitioning Town by-laws under the AMPS model, an amendment to Schedule A is required to establish set fines for existing regulations. Town staff are recommending that the following by-laws be added to the AMPS By-law:

- Pool Enclosure By-law 2008-18;
- Road Occupancy By-law 2018-31; and
- Site Alteration By-law 2016-58.

Regulatory Services has recently become more involved with proactive enforcement initiatives of the Road Occupancy Permit process, in addition to taking the lead on complaint files pertaining to the Site Alteration By-law. These regulatory amendments will allow staff to establish set fines for violations and any charges laid under the pre-established regulations will be processed outside of the provincial court system.

There are also several minor clerical amendments being proposed to Schedule A of the AMPS By-law, which includes establishing set fines for regulatory provisions previously

overlooked within the Parks and Property Standards By-laws. These additional provisions have been highlighted in yellow in **Attachment 1** of this report for Council's consideration.

Conclusion

Town staff is recommending the adoption of the amended AMPS By-law 2019-62 in order to continue moving forward with transitioning Town by-laws under the AMPS model. In Q1 2021, Town staff will report to Council with a review of the AMPS model, which will include the successes the municipality has realized since reducing its reliance on the provincial court system for adjudicating all regulatory matters.

Business Plan and Strategic Plan Linkages

This report aligns with the Rev-It-Up recommendations for improving administration and service levels within the Town of Newmarket.

Consultation

None.

Human Resource Considerations

None.

Budget Impact

Revenue is anticipated through any enforcement action taken using the AMPS model for the issuance of tickets.

Attachments

Attachment #1 – Amended AMPS By-law 2019-62, Schedule A

Approval

Lisa Lyons, Director/Town Clerk, Legislative Services

Esther Armchuk, Commissioner, Corporate Services

Contact

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