



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Escalating Administrative Monetary Penalties Staff Report to Council

Report Number: 2022-61

Department(s): Legislative Services

Author(s): Ben Worthington, (Acting) Manager of Regulatory Services

Meeting Date: December 5, 2022

Recommendations

1. That the report entitled Escalating Administrative Monetary Penalties dated December 5, 2022 be received; and,
2. That Council repeal Schedule A of the Administrative Monetary Penalty System (AMPS) By-law 2019-62, as amended; and,
3. That Council adopt, Attachment 1 to this report, as the new Schedule A to Administrative Monetary Penalty System (AMPS) By-law 2019-62, as amended, to include escalating administrative monetary penalty amounts; and,
4. 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 a modernized by-law compliance model for escalating fines under the Town's Administrative Monetary Penalty System (AMPS), as they relate to select non-parking related repeat offences within a specified time period.

Background

At its June 18th, 2018 [Council Meeting](#), Council directed staff to move forward with the implementation of the AMPS model for parking matters by Q2 2020.

At its September 30th, 2019 [Council Meeting](#), Council adopted AMPS By-law 2019-62, which introduced and established an AMPS model for parking-related offences, which came into effect on January 15, 2020. To date, the program has expanded to include other

regulatory by-laws, up to and including, 516 regulatory by-law infractions that have been adopted and are now enforceable under AMPS.

Since the implementation of the AMPS model, Town Municipal Enforcement Officers (“MEOs”) have experienced significant efficiencies in their day-to-day operations, including their ability to avoid onerous and often lengthy Provincial court processes previously needed for compliance with Town by-laws enacted.

When addressing repeat offenders under the current AMPS model, MEOs have issued multiple administrative monetary penalties at the same “*set penalty*” amount with no increased penalties to further incentivize a change in behaviour. In order to lay charges with increased fine amounts, Town staff must currently use the Provincial court processes, which is subject to known delays and one of the reasons why the AMPS program was established to avoid.

Discussion

Escalating fines intend to deter repeat behaviour

With the success of the AMPS program to date, Staff are seeking ways to expand and improve the program in phase 2 of its launch, and enhance the service provided to residents.

Escalating administrative monetary penalties within the scope of AMPS By-law will address repeat offenders by increasing fine amounts when the same violation is committed by the same person or business. The goal of escalating fines is to further incentivize a prompt change in behaviour.

Non-Parking By-law violations would have an associated escalating fine amount

Attachment 1 includes escalating fine amounts for all non-parking by-laws. Some of the most common violations that would benefit from escalating fine amounts are:

- Noise;
- Aggressive dog encounters;
- Animals at large;
- Various property standards violations; and,
- Personal wellness establishment violations.

Escalating fines have successfully been used in other jurisdictions

This approach has been successfully adopted by the cities of London and Oshawa for both parking and non-parking by-law infractions. Fine escalation amounts are determined depending on the severity of the offence and the escalating amounts are increased at a 50% interval.

A 'repeat' non-parking violation is defined as a violation that occurs multiple times within one calendar year

Fines will reset to the original set penalty amount for all non-parking related violations after one calendar year (i.e., 365 days) following the last contravention.

Next steps

In order to move forward, staff require Council to approve the necessary changes to the AMPS by-law to allow for escalated AMPS fines for repeat violations.

Should Council choose to adopt the suggested amendments to the AMPS By-law staff will do all things necessary to implement the directed changes and continue to monitor escalated AMPS fines for a one-year period and report back to Council, if any issues arise.

Conclusion

Town staff recommend the amendment to the AMPS (Administrative Monetary Penalty System) By-law 2019-62 to include a tiered escalation of penalties to provide a greater ability to enforce cases involving non-parking related repeat violations where the same violation is committed by the same person or business within a specified timeframe.

Business Plan and Strategic Plan Linkages

This report aligns with the strategic vision of the Town of Newmarket; Well Beyond the Ordinary.

Consultation

Research of the Municipalities of London and Oshawa has taken place to consider their approach to escalating fines as a set monetary amount or a percentage-based amount per subsequent offence.

Consultation with the Legal department was conducted, no concerns were raised.

Human Resource Considerations

None.

Budget Impact

With increased compliance projected as a result of implementing escalated AMPS fines for repeat offenders, less staff resources will be required in the field to achieve compliance in a shorter time frame and the quality of life for residents will be improved. However, escalating AMPS fines will require more staff resources in house as it is expected that

there will be more screenings and hearings with fine amounts increased. With consideration to both, the budget impact is anticipated to be nominal.

Attachments

Attachment 1 – Proposed Amendments to AMPS By-law 2019-62 (Amended AMPS By-law 2022-XX)

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

Contact

Ben Worthington (Acting) Manager of Regulatory Services

Legislative Services, bworthington@newmarket.ca