

# Corporation of the Town of Newmarket

## By-law 2018-54

A By-law to Amend Various By-Laws to Reflect Offence Section and Escalating Fines as Authorized under The Municipal Act.

Whereas pursuant to Section 425 (1) of the Municipal Act, 2001, S.O. 2001, c.25 a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence; and,

Whereas pursuant to Section 425 (1) it is deemed necessary to amend various Town by-laws to further clarify the penalty section provisions passed under the Act; and,

Whereas Section 429 (1) gives a municipality the authority to establish a system of fines for offences under a by-law of the municipality passed under the Act; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore Be It Enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That the sections of the following by-laws be amended in accordance with the Municipal Act and as more specifically set out in section 2 of this By-law:
  - a. Section 11.1 of By-law 2017-76, Being A By-law to Prohibit or Regulate Noise;
  - b. Section 12.1 of By-law 2017-63, Being A by-law to Provide for Maintaining Land
  - c. Section 32 of Bylaw 2008-18, Being A By-law to Regulate Pool Enclosures;
  - d. Section 14.1 of By-law 2018-31, Being A By-law to Regulate the Use and Occupancy of Highways
  - e. Section 13.1 of By-law 2018-39, Being A By-law to Regulate Driving Instructors
2. And That the sections of the by-laws referred to in Section 1 of this By-law be amended by adding the following after the word "offence":

"and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended".
3. And That the sections of the following by-laws be amended in accordance with the Municipal Act and as more specifically set out in section 4 of this By-law:

- a. Section 11.4 of By-law 2017-76, Being A By-law to Prohibit or Regulate Noise,
  - b. Section 12.4 of By-law 2017-63, Being A by-law to Provide for Maintaining Land
  - c. Section 35 of Bylaw 2008-18, Being A By-law to Regulate Pool Enclosures;
  - d. Section 14.4 of By-law 2018-31, Being A By-law to Regulate the Use and Occupancy of Highways
  - e. Section 13.3 of By-law 2018-39, Being A By-law to Regulate Driving Instructors
4. AND THAT the sections of the By-laws referred to in Section 3 of this By-law be amended by adding the following after the word “penalties”:
- “pursuant to Part III of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended”.
5. AND THAT section 13.8 of By-law 2018-39 be deleted.

Enacted this 24<sup>th</sup> day of September, 2018.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk