



## The Corporation of the Township of King Report to Council

---

**From:** Growth Management Services - Bylaw Division

**Report Number:** GMS-BY-2024-002

**Date:** Monday, September 9, 2024

**Title:** **Administrative Monetary Penalty System (AMPS) Bylaw Amendment**

---

### Recommendation

1. That Report GMS-BY-2024-002 be received; and
2. That Council approve the addition of Clean Yards, Fence, Fireworks, Road Occupancy, Noise, Parks, Property Standards and Sign Bylaw penalties to be administered through the Administrative Monetary Penalty System (AMPS); and
3. That By-law 2022-040, as amended, being a By-law to implement AMPS, be further amended to update Schedule 'B' with penalty fines related to violations of the Clean Yards Bylaw, Fence Bylaw, Fireworks Bylaw, Road Occupancy Bylaw, Noise Bylaw, Parks Bylaw, Property Standards Bylaw and Sign Bylaw; and
4. That By-laws 2016-68, 2020-061, 98-182, 2016-103, 2012-132, 2022-032 and 2018-03, as amended, be further amended to apply AMPS to contraventions of said by-laws.

### 1. Report Highlights

- Administrative Monetary Penalties (AMPS) is an alternative to the Provincial Offences system, providing an objective, efficient and improved customer service process where penalty notices are issued, managed, and reviewed at a municipal level.
- In May of 2022, Council approved the implementation of AMPS for parking violations effective February 1, 2023 (subsequently, the effective date was changed to October 2<sup>nd</sup>, 2023).
- In February 2024, Council authorized the expanded implementation of AMPS for Site Alteration Violations.
- Staff are now recommending incorporating the Clean Yards Bylaw, Fence Bylaw, Fireworks Bylaw, Road Occupancy Bylaw, Noise Bylaw, Parks Bylaw, Property Standards Bylaw and Sign Bylaw into AMPS.
- The Clean Yards, Fence, Road Occupancy, Noise, Parks, Property Standards and Sign Bylaws are recommended to be amended to include the penalty sections to enable the enforceability of AMPS. The By-law Amendments are on this agenda. The Fireworks Bylaw already has the necessary AMPS Penalty Sections.

## 2. Purpose

An Administrative Monetary Penalty System (AMPS) for enforcement of various municipal by-laws has been implemented as per By-law No. [2022-040](#). The purpose of this report is to recommend the incorporation of the Clean Yards Bylaw, Fence Bylaw, Fireworks Bylaw, Road Occupancy Bylaw, Noise Bylaw, Parks Bylaw, Property Standards Bylaw and Sign Bylaw, into AMPS.

The purpose is also to seek Council's approval to include the necessary Administrative Penalty sections (including proposed fines) into these by-laws as a requirement of AMPS, to establish that they are reasonable and fair.

## 3. Background

Council will recall meetings on May 9th, 2022 ([GMS-BY-2022-02](#)) and on May 30<sup>th</sup>, 2022 ([GMS-BY-2022-03](#)) where reports, presentations, and information about implementation of Administrative Monetary Penalties in King was shared by staff. Additionally, in February of 2024, ([GMS-BY-2024-001](#)) staff recommended that Council expand AMPS to include the Site Alteration Bylaw for enforcement. The recommendations in these reports were approved.

Since that time, there has been considerable effort to implement AMPS Phase Two for Site Alteration penalty notices, and benefits continue to be realized. In 2024, the By-law Division issued 32 Penalty Notices for Site Alteration violations. To date, 21 of the 32 Penalty Notices have been paid in full. The By-law Division conducted a Site Alteration Blitz, consisting of 9 properties receiving penalty notices for Failing to Comply with conditions of their Site Alteration Permit. When By-law attended for a follow-up inspection, 6 of the 9 properties were brought into compliance. The 3 remaining properties received an escalated fine and are working towards compliance to avoid further penalties.

The intent of Phase Three is to incorporate the Clean Yards Bylaw, Fence Bylaw, Fireworks Bylaw, Road Occupancy Bylaw, Noise Bylaw, Parks Bylaw, Property Standards Bylaw and Sign Bylaw into Schedule B of Bylaw [2022-040](#).

The fines proposed in Schedule B - Column 5 for Clean Yards, Fireworks, Road Occupancy, Noise, and Parks mirror the Set Fines that were approved by the Ministry of the Attorney General's Office under the *Provincial Offence Act (POA)*. The set fines established for the Fence Bylaw, Property Standards Bylaw and Sign Bylaw were created by doing a jurisdictional scan of neighbouring N6 municipalities.

## 4. Analysis

It is anticipated that the success realized through the addition of Site Alteration infractions into AMPS, will be mirrored with the implementation of AMPS through the additional By-Laws identified in this Report.

Benefits to the Township of King and its citizenry, with respect to using AMPS to enforce By-laws, are expected to include, but not limited to:

## Administrative Monetary Penalty System (AMPS) Bylaw Amendment

- **Improved customer service** matters can be resolved on-line, at the Township of King, more efficiently and timely for all involved, and greatly minimize the requirement for courts, justices of the peace and the officer that issued the charge etc.
- **Process efficiencies:** *Provincial Offences Act (POA)* trials are often delayed due to court backlogs. Through AMPS, these wait times may be significantly reduced.
- **Streamlined enforcement:** Using AMPS to enforce non-parking related By-laws will permit the municipality to move matters forward without having to wait for scheduled court times from the Provincial Courts. It is estimated that all matters will be resolved within a 90-day period.
- **Optimized use of time:** Using AMPS to enforce By-laws will unequivocally save staff time that would otherwise be required to process matters through the courts, allowing officers to focus efforts on other service priorities.

Mirroring the processes of existing By-laws enforced through AMPS, defendants will have the option to request an appointment with a Screening Officer and/or a Hearing Officer for their issued Penalty Notice. These appointments will be scheduled within a reasonable time frame, as there is no need to wait for a scheduled court date from the province.

Issuing an AMPS penalty notice doesn't preclude the Bylaw Officer from proceeding under the POA with a Part 3 summons where offenders remain defiant and refuse to comply with provisions of a respective By-law. The decision to charge under Part III may depend on the circumstances or consequences of the offence. It is important to note that since the introduction of AMPS for Site Alteration, there has been no need to issue Part 3 summons.

Penalty Notices that go unpaid can be applied to property taxes, only if issued to a resident of King Township. Penalty notices issued to non-residents will go through a collection agency if left unpaid.

It is therefore recommended to amend 'Schedule B' of Bylaw 2022-040, to include penalties for the Clean Yards Bylaw, Fence Bylaw, Fireworks Bylaw, Road Occupancy Bylaw, Noise Bylaw, Parks Bylaw, Property Standards Bylaw and Sign Bylaw to allow for improved By-law enforcement

Should Council approve the amended by-laws, the Bylaw Division will transition to AMPS Penalty Notices September 16<sup>th</sup>, 2024, for the Clean Yards Bylaw, Fence Bylaw, Fireworks Bylaw, Road Occupancy Bylaw, Noise Bylaw, Parks Bylaw, Property Standards Bylaw and Sign Bylaw offences instead of the traditional Part 1 tickets issued under the *Provincial Offences Act*.

### 5. Financial Considerations

Financial benefits with the expansion of AMPS for enforcement are expected but not limited to:

## Administrative Monetary Penalty System (AMPS) Bylaw Amendment

- Anticipated net savings with reduction of officer's time attending Provincial Offence Court for matters pertaining to Part 1 and or 3 charges.
- Anticipated net savings resulting from process efficiencies in resolving infractions.
- Improved opportunities to recover costs related to charges.
- Charges are paid directly to Township, as opposed to Provincial Courts.

### **6. Alignment to Strategic Plan**

The 2023-2026 Corporate Strategic Plan (CSP) was adopted by Council on June 12, 2023. The CSP reflects the priorities of utmost importance to the community and defines the obligations and commitments of the Township of King to its citizens and to the public. The CSP is aligned with the Townships long-term vision defined in the "Our King" Official Plan. The CSP also aims to ensure that staff initiatives focus on and work towards supporting King's Vision, Mission and Values.

This report is in alignment with the CSP's Priority Area(s), and/or associated Objective(s) and/or Key Results(s):

Priority Area: Service Excellence

Objective: Enhance Citizen Service Experiences.

This report aligns with the strategic objective of enhancing citizen service experience as the expansion of AMPs provides the By-law division with an additional tool to enforce specific by-laws, streamlining the enforcement and resolve processes. For example, by-laws incorporated into AMPs means that more regulatory matters can be resolved online and, proponents would continue to see reductions in processing wait times.

### **7. Conclusion**

Staff recommends that Council approve the recommendations in this report to amend AMPS By-law 2022-040 to incorporate the penalty fines into Schedule "B" for the enforcement of the Clean Yards Bylaw, Fence Bylaw, Fireworks Bylaw, Road Occupancy Bylaw, Noise Bylaw, Parks Bylaw, Property Standards Bylaw and Sign Bylaw. As well, it is recommended that Council approve the amendments of the Clean Yards Bylaw, Fence Bylaw, Road Occupancy Bylaw, Noise Bylaw, Parks Bylaw, Property Standards Bylaw and Sign Bylaw to include the Administrative Penalty Sections for enforceability. Should Council approve enactment of the amended by-laws, the Bylaw Division will transition to AMPS Penalty Notices September 16<sup>th</sup>, 2024, for the Clean Yards Bylaw, Fence Bylaw, Fireworks Bylaw, Road Occupancy Bylaw, Noise Bylaw, Parks Bylaw, Property Standards Bylaw and Sign Bylaw offences instead of the traditional Part 1 tickets issued under the *Provincial Offences Act*. The success of the AMPS expansion will be evidenced through the annual Service Performance Report. The division will also continue tracking relevant data associated with AMPS enforcement as a means of evaluating AMPS against the benefits criteria outlined within this report.

## 8. Attachments

[AMPS Bylaw 2022-040](#)

Prepared by:

**Whitney Hall**

Bylaw Services Coordinator

Recommended by:

**Pat Burke**

Manager of By-law Services

**Stephen Naylor**

Director of Growth Management Services

Approved for submission by:

**Daniel Kostopoulos**

Chief Administrative Officer