THE CORPORATION OF THE TOWNSHIP OF THE CARLING

BY-LAW NO. 2026 - 14

A By-law to implement an Administrative Monetary Penalty System in the Township of Carling

WHEREAS section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate, and enhance its ability to respond to municipal issues;

AND WHEREAS section 434.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to establish a system of Administrative Monetary Penalties for contravention of municipal by-laws:

AND WHEREAS section 102.1 of the *Municipal Act*, *2001*, S.O. 2001, c.25, 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 respecting the parking, standing or stopping of vehicles;

AND WHEREAS section 391(1) of the *Municipal Act*, *2001*, S.O. 2001, c.25, as amended, enables a municipality to pass by-laws imposing fees or charges on any class of person(s) for services or activities provided or done by or on behalf of it;

AND WHEREAS section 434.2 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that an Administrative Monetary Penalty imposed by a municipality on a person(s) 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, 2001*, S.O. 2001, c. 25, as amended, which applies to administrative penalties that are required by a municipality in respect of the parking, standing or stopping of vehicles;

AND WHEREAS the Council for the Corporation of the Township of Carling considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated municipal by-laws, or portions of the designated municipal by-laws;

NOW THEREFORE the Council for the Corporation of the Township of Carling enacts as follows:

1.0 DEFINITIONS

1.1 In this By-law

"Administrative Fee" means any fee specified in this By-law or set out in Schedule 'B' attached hereto;

"Administrative Penalty" means any administrative monetary penalty established by this By-law or set out in the attached Schedule(s) for a contravention of a designated by-law;

"AMPS" means Administrative Monetary Penalty System;

"Clerk" means the Municipal Clerk, their delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

"Council" means the Council of the Corporation of the Township of Carling;

"Designated By-law" means a by-law or a part or provision of a by-law that is designated under this By-law, as a by-law or a part or provision of a by-law under which a contravention is subject to an Administrative Penalty, in accordance with the authorities granted under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and its Regulations and the provisions of this By-law, and is listed in Schedule 'A' attached hereto

"Hearing Decision" means a notice that contains a decision made by a Hearing Officer;

"Hearing Non-Appearance Fee" means an Administrative Fee established by the Municipality from time to time in respect of a Person's failure to appear at the time and place scheduled for review before a Hearing Officer and which is listed in Schedule 'B' attached hereto;

"Hearing Officer" shall mean a person who performs the duties of Hearing Officer as set out in section 5 of this By-law and meeting the requirements that a Hearing Officer cannot be a Member of Council or a Municipal Employee. The Hearing Officer shall have knowledge of and experience in administrative law; such as a lawyer, retired lawyer, paralegal, retired paralegal, retired police officer, retired municipal clerk or retired municipal deputy clerk;

"Holiday" means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices of the Municipality are officially closed for business;

"Late Payment Fee" means an Administrative Fee established by the Municipality from time to time in respect of a Person's failure to pay an Administrative Penalty within the time prescribed in this By-law and which is listed in Schedule 'B' attached hereto;

"Municipality" means the Corporation of the Township of Carling;

"NSF Fee" means an Administrative Fee established by the Municipality from time to time in respect of payment by negotiable instrument received by the Municipality from a Person for payment of any Administrative Penalty or Administrative Fee, for which there are insufficient funds available in the account on which the instrument was drawn, as listed in the current Township Fee Schedule By-law

"Officer" means a Municipal By-law Enforcement Officer, Police Officer, Fire Chief or designate appointed by the municipality to administer and enforce this By-law;

"Penalty Notice" means a notice given to a Person pursuant to section 3.0 of this By-Law and that makes such Person liable to pay an Administrative Penalty to the Municipality;

"Penalty Notice Date" means the date of the contravention specified on the Penalty Notice, in accordance with section 3.0 of this By-law;

"Penalty Notice Number" means the reference number specified on the Penalty Notice that is unique to the Penalty Notice, in accordance with section 3.0 of this By-law;

"Person" includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof;

"Request for Review by Hearing Officer" means a request made in accordance with Section 5.0 of this By-law for the review of a Screening Decision;

"Request for Review by Screening Officer" means a request made in accordance with section 4.0 of this By-law for the review of a Penalty Notice;

"Review by Hearing Officer" and **"Hearing"** mean the process set out in section 5.0 of this By-law;

"**Review by Screening Officer"** and **"Screening Review"** mean the process set out in section 4.0 of this By-law;

"Screening Decision" means a notice which contains the decision of a Screening Officer;

"Screening Non-Appearance Fee" means an Administrative Fee established by the Municipality from time to time in respect of a Person's failure to appear at the time and place scheduled for a Screening Review and which is listed in Schedule "B" attached hereto;

"Screening Officer" means a person from time to time appointed pursuant to this By-law who performs the duties of Screening Officer as set out in Section 4.0 of this By-law and meeting the requirements that a Screening Officer cannot be a Member of Council; a Screening Officer may be a staff member provided that they have no jurisdiction in their job duties that relate in any type of enforcement capacity;

"Vehicle" includes a motor vehicle, automobile, bicycle, motorcycle, boat, motor vehicle trailer, traction engine, farm tractor, road building machine and any vehicle propelled or driven by any kind of power including muscular power and such additional definitions as set out in the *Highway Traffic Act*, R.S.O. 1990, c. H.8.

2.0 Application of this By-law

2.1 This By-law applies to, and only to, Designated By-laws.

2.2 Without limiting the generality of the foregoing, this By-law applies to those contraventions included in Schedule "B" attached hereto, and Schedule "B" shall set out the Administrative Penalty amount and may include short form language to be used on Penalty Notices for the contraventions of Designated By-laws or parts thereof.

2.3 The following Schedules form a part of this By-law:

- Schedule "A" – List of Designated By-laws;
- Schedule "B" – Administrative Penalties for Contraventions of Designated By-laws;
- Schedule "C" – Request for Review Forms;
- Schedule "D" – Conflict of Interest Policy in Relation to the Administrative Monetary Policy System;
- Schedule "E" – Prevention of Political Interference Policy for the Administrative Monetary Penalty System;
- Schedule "F" – Public Complaints Process Policy for the Administrative Monetary Penalty System;
- Schedule "G" – Financial Management and Reporting Policy for the Administrative Monetary Penalty System; and
- Schedule "H" – Financial Hardship Policy for the Administrative Monetary Penalty System.

2.4 This By-law does not limit the Municipality's right to enforce a Designated By-law by all legal means.

3.0 Penalty Notices

3.1 Every Person in contravention of a Designated By-law shall upon issuance of a Penalty Notice be liable to pay to the Municipality an Administrative Penalty.

3.2 An Officer who has reason to believe that a Person(s) has contravened any Designated By-law may issue a Penalty Notice addressed such Person(s).

3.3 A Penalty Notice shall be served on the Person(s) to whom it is addressed as soon as reasonably practicable and shall include the following information, as applicable:

(a) the vehicle licence plate number or vehicle identification number;

(b) the Penalty Notice Date;

(c) a Penalty Notice Number;

(d) the identification number and signature of the Officer;

(e) the description of the contravention wording, as listed in the attached Schedules, or other particulars reasonably sufficient to indicate the nature of the contravention;

(f) the amount of the Administrative Penalty;

(g) information respecting the process by which a Person may exercise the right to request a review of the Administrative Penalty; and

(h) a statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the Municipality unless cancelled pursuant to Screening Review or Hearing process.

(a) In addition to the service methods provided in Section 6.0 of this By-law, an Officer may serve the Penalty Notice on a Person by delivering it personally to the Person contravening the By-law at the time of the contravention.

3.4 No Officer may accept the payment of an Administrative Penalty or Administrative Fee.

3.5 A Person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty within 30 days of the Penalty Notice Date shall pay to the Municipality an MTO Plate Search Fee, in addition to any other applicable Administrative Fee(s).

4.0 Review by Screening Officer

4.1 A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date on which the Administrative Penalty is due and payable, in accordance with Section 4.4.

4.2 If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Director extend the time to request a Screening Review to a date that is no later than forty-five (45) Days after the Penalty Notice Date, in accordance with the process set out in section 4.4.

4.3 A Person's right to request an extension of time to submit a Request for Review by Screening Officer expires, if it has not been exercised, on or before forty-five (45) days after the Penalty Notice Date, at which time:

(a) the Person shall be deemed to have waived the right to request a Screening review or request an extension of time for a Screening Review;

(b) the Administrative Penalty shall be deemed to be confirmed; and

(c) the Administrative Penalty shall not be subject to any further review, including a review by any Court.

4.4 A Person's Request for Review by Screening Officer or request for an extension of time to submit a Request for Review by Screening Officer shall be submitted to the Screening Officer in writing using the form attached hereto as Schedule "C" and shall include all of the information required on such form, including, but not limited to, the Penalty Notice Number and the Person's contact information.

4.5 A Screening Review shall only be scheduled by the Screening Officer if the Person makes the request within the time limit set out in section 4.1 of this By-law or the Person's request to extend the time to Request a Review by Screening Officer is granted pursuant to this By-law. When a Screening Review is scheduled, a notice of an appointment for a Screening Review will be sent to the Person in accordance with section 6.0 of this By-law.

4.6 The Screening Officer may grant a request for an extension of time to submit a Request for Review by Screening Officer only where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.

4.7 Where an extension of time to submit a Request for Review by Screening Officer has been granted, a Late Payment Fee shall not be applied and enforcement mechanisms in relation to the Administrative Penalty shall be suspended until thirty (30) days after disposition of the matter or at a time otherwise set by the Screening Officer.

4.8 Where an extension of time to submit a Request for Review by Screening Officer is not granted by the Screening Officer, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be affirmed. Notice of this decision will be provided by the Screening Officer to the Person in accordance with section 6.0 of this By-law.

4.9 On a Screening Review of an Administrative Penalty, before making a decision a Screening Officer shall conduct an interview with the Person. The accused or their legal representation and any witnesses may meet with a Screening Officer in person at the Township of Carling Office. If the accused lives more than 50 km from the Township of Carling Office or has any other extenuating circumstances for why they cannot attend the Municipal Office in person they may also meet with the Screening Officer electronically.

4.10 Where a Person fails to attend at the time and place scheduled for a Screening Review of the Administrative Penalty:

(a) the Person shall be deemed to have abandoned the request for a Screening Review of the Administrative Penalty;

(b) the Administrative Penalty as set out in the Penalty Notice shall be deemed to be affirmed;

(c) the Administrative Penalty and any applicable Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and

(d) the Person shall pay to the Municipality a Screening Non-Appearance Fee and any other applicable Administrative Fee(s).

4.11 On a review of an Administrative Penalty, the Screening Officer may:

(a) affirm the Administrative Penalty and any Administrative Fee(s); or

(b) cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:

(i) where the Person establishes, on a balance of probabilities, that they did not contravene the Designated By-law(s) as described in the Penalty Notice; or

(ii) where the Person establishes, on a balance of probabilities, that the cancellation, reduction or extension of time for payment of

the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve any undue (financial) hardship.

4.12 Where an Administrative Penalty and any Administrative Fee(s) are affirmed by the Screening Officer, payment of the Administrative Penalty and Administrative Fee(s) shall be required by a date established by the Screening Officer, but shall not be set at fewer than 30 days from the date of the disposition of the matter.

4.13 After a Screening Review, the Screening Officer shall deliver a Screening Decision to the Person, in accordance with Section 6.0 of this By-law.

4.14 If an Administrative Penalty resulting from a Screening Decision is paid, the Person shall forfeit any further avenue of appeal under this By-law and the Screening Decision shall be final.

4.15 A Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or By-law or the constitutional applicability or operability of any statute, regulation or By-law.

5.0 Review by Hearing Officer

5.1 A Person may submit a Request for Review by Hearing Officer within thirty (30) Days of issuance of a Screening Decision in accordance with section 5.4.

5.2 If a Person has not requested a Review by a Hearing Officer on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Clerk extend the time to request a Review by a Hearing Officer to a date that is no later than forty-five (45) days after the Screening Decision date, in accordance with the process set out in section 5.4.

5.3 A Person's right to request an extension of time for a Hearing Review expires, if it has not been exercised on or before forty-five (45) Days after the Screening Decision date, at which time:

(a) the Person shall be deemed to have waived the right to request a Hearing Review by a Hearing Review Officer or request an extension of time for a Review by a Hearing Officer;

(b) the Screening Decision is confirmed; and

(c) the Administrative Penalty shall not be subject to any further review, including a review by an Court.

5.4 A Person's Request for Review by Hearing Officer or request for an extension of time to submit a Request for Review by Hearing Officer shall be submitted to the Clerk in writing using the form attached hereto as Schedule "C" and shall include all of the information required on such form, including, but not limited to, the Penalty Notice Number and the Person's contact information.

5.5 A Hearing shall only be scheduled by the Clerk if the Person makes the request within the time limit set out in section 5.1 of this By-law or the Person's request to extend the time to submit a Request for Review by Hearing Officer is granted pursuant to this By-law. When a Hearing is scheduled, a Notice of Hearing will be sent to the Person in accordance with section 6.0 of this By-law.

5.6 The Clerk may grant a request to extend the time to submit a Request for Review by Hearing Officer only where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.

5.7 Where an extension of time to submit a Request for Review by Hearing Officer has been granted, a Late Payment Fee shall not be applied and enforcement mechanisms in relation to the Administrative Penalty shall be suspended until

fifteen (15) days after disposition of the matter or at a time otherwise set by the Hearing Officer.

5.8 Where an extension of time to submit a Request for Review by Hearing Officer is not granted by the Clerk, the Screening Decision and Administrative Penalty and any Administrative Fee(s), if applicable as modified in the Screening Decision, are deemed to be affirmed. Notice of this decision will be provided by the Clerk to the Person in accordance with section 6.0 of this By-law.

5.9 On a Hearing Review of an Administrative Penalty, before making a decision a Hearing Officer shall conduct an interview with the Person. The accused or their legal representation and any witnesses may meet with a Hearing Officer in person at the Township of Carling Office. If the accused lives more than 50 km from the Township of Carling Office or has any other extenuating circumstances for why they cannot attend the Municipal Office in person they may also meet with the Hearing Officer electronically.

5.10 Where a Person fails to appear at the time and place scheduled for a Hearing:

(a) the Person shall be deemed to have abandoned the request for a review of the Screening Decision;

(b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s), if applicable as modified in the Screening Decision, shall be deemed to be affirmed;

(c) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and

(d) the Person shall pay to the Municipality a Hearing Non-Appearance Fee, Late Payment Fee, and any other applicable Administrative Fee(s).

5.11 On a review of a Screening Decision, the Hearing Officer may:

(a) affirm the Screening Decision; or

(b) cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:

i. where the Person establishes on a balance of probabilities that they did not contravene the Designated By-law(s) as described in the Penalty Notice; or

ii. where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relive any undue (financial) hardship.

5.12 A Hearing Officer shall not make any decisions respecting a review of a Screening Decision unless the Hearing Officer has given the Person and a representative of the Municipality an opportunity to be heard at the time and place scheduled for the Hearing.

5.13 All Hearings by a Hearing Officer shall be conducted in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.

5.14 A Hearing Officer has no authority to consider questions related to the validity of a statute, regulation or By-law or the constitutional applicability or operability of any statute, regulation or By-law.

5.15 After a Hearing is complete, the Hearing Officer shall deliver to the Person a Hearing Decision, in accordance with section 6.0 of this By-law.

5.16 The decision of a Hearing Officer is final.

6.0 Service of Documents

6.1 The service of any document, notice or decision, including a Penalty Notice, pursuant to this By-law, when served in any of the following way is deemed effective:

a) immediately, when:

i. it is personally delivered to the Person to whom it is addressed;

ii. it is personally delivered to the operator of the Vehicle or the person in care and control of the Vehicle at the time of the contravention;

iii. it is affixed to the Vehicle in a conspicuous place at the time of the contravention;

b) on the fifth (5^{th}) calendar day following the date a copy is sent by registered mail to the Person's last known address;

c) immediately upon the conclusion and sent confirmation of a copy by facsimile transmission to the Person's last known facsimile transmission number; or

d) immediately upon sending a copy by electronic mail (i.e. e-mail) to the Person's last known electronic mail address.

6.2 For the purposes of subsections 6.1 (b), (c) and (d) of this By-law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the Municipality as may be required by a form, practice or policy under this By-law.

7.0 Administration

7.1 The position of Screening Officer is established through delegated authority and shall be appointed by the Clerk.

7.2 The position of Hearing Officer shall be appointed by Council.

7.3 A Person claiming undue (financial) hardship under s.4.11(b)(ii) or 5.10(b)(ii) shall provide documented proof of the financial hardship to the Screening Officer or the Hearing Officer who may adjourn the Screening Review or Hearing and reserve her or his decision until such time that such documented proof has been obtained.

7.4 Where an Administrative Penalty is not paid within fifteen (15) days after the date it is due and payable, the Person shall pay to the Municipality a Late Payment Fee, in addition to the Administrative Penalty and any other applicable Administrative Fee(s), in the amount which is set out in Schedule "B" of this By-law.

7.5 Where a Person makes payment to the Municipality of any Administrative Penalty or Administrative Fee(s) by negotiable instrument, for which there are insufficient funds available in the account on which the instrument was drawn, the Person shall pay to the Municipality the NSF Fee set out in the current Township Fee Schedule By-law.

7.6 Where an Administrative Penalty with respect to a contravention of the Township's Parking By-law or Parks and Access Point By-law is not paid within 30 days after it becomes due and payable, the Municipality may notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person named in the default notice nor issue a new permit to that person until the penalty is paid.

7.7 Where an Administrative Penalty with respect to a contravention of the Township's Parking By-law or Parks and Access Point By-law or any Administrative Fee(s) are not paid within 30 days after they become due and payable, each Person to whom the Penalty Notice was given shall pay to the Municipality a MTO Plate Denial Fee.

7.8 Any Administrative Fee(s) prescribed within Schedule "B" of this By-law shall be added to and be deemed part of the penalty amount unless otherwise rescinded by the Screening Officer or Hearing Officer.

7.9 An Administrative Penalty, including any Administrative Fee(s), that is affirmed or reduced and which is unpaid after the date when it is due and payable, constitutes a debt to the Municipality owned by the Person.

7.10 Where an Administrative Penalty is rescinded by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also rescinded.

7.11 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

8.0 Delegation

8.1 For the purposes of subsection 23.3(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Clerk, the Screening Officer and the Hearing Officer, pursuant to this By-law, are of a minor nature.

9.0 Severability

9.1 Should any provision or any part of this By-law be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of Council that such a provision or part of a provision shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

10.0 Short Title

10.1 This By-law may be referred to as the AMPS By-law.

11.0 Effective Date

11.1 This By-law shall come into force and effect on the date of passage.

READ and **FINALLY PASSED** in **OPEN COUNCIL** this 12 day of May, **2026.**

THE CORPORATION OF THE TOWNSHIP OF CARLING

Susan Murphy, Mayor

Kevin McLlwain, CAO/Clerk

Schedule "A"

List of Designated By-laws

The following By-laws are listed as designated By-laws as defined in the AMPS By-law:

Fireworks By-law (2018-25)

Noise By-law (2014-21)

Waste Site By-law (2025-25)

Road Obstruction By-law (2019-19)

Dark Skies By-law (2020-36)

Parks and Access Points By-law (2016-44)

Burning By-law (2026-15)

Parking By-law (2026 -16)

Schedule "B"

1. **Administrative Penalties for Contraventions of Designated By-laws**Column 1 in the following tables sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 2.

2. For the purposes of Section 2 of the AMPS By-law, Column 2 in the following tables list the provisions of the Designated By-laws identified in the Schedule.

3. Column 3 in the following tables set out the Penalty Amount that is payable for contraventions of the designated provisions listed in Column 1.

4. Where applicable, Column 4 in the following tables set out an Early Payment Amount that is payable for contraventions of the designated provisions listed in Column 1, in accordance with Section 3.5 of the AMPS By-law.

Fireworks By-law (2018-25)

COLUMN 1 **Short form Wording**	**COLUMN 2** **Provision creating or defining offence**	**COLUMN 3** **Penalty Amount**
Ignite Firework during fire ban	2.1	$300.00
Ignite Firework during high/extreme fire danger rating	2.1	$300.00
Set off firecracker during high/extreme fire danger rating	3.1	$300.00
Set off firework without a permit	4.1	$200.00
Person under 18 set off fireworks unsupervised	4.2	$200.00
Set off fireworks in unsafe manner	4.4 / 4.6 / 4.7	$300.00
Set off fireworks during prohibited time	4.5	$200.00
Set off fireworks on public property	4.8	$200.00
Hinder or Obstruct an Officer	8	$300.00
Ignite a Sky Lantern within the Township	9	$300.00

Noise By-law (2014-21)

COLUMN 1 **Short form wording**	**COLUMN 2** **Schedule 1 offence**	**COLUMN 3** **Penalty Amount**
Engaging in unauthorized racing of a motorized conveyance	1	$200.00
Operating a motor vehicle causing tires to squeal	2	$200.00
Operating engine or equipment without effective muffling device	3	$200.00
Operating vehicle causing noise due to unsecured load or poor maintenance	4	$200.00
Idling motor vehicle over five minutes while stationary - contrary to exemptions	5	$200.00
Improper use of horn or warning device	6	$200.00
Domestic animal producing continuous noise	7	$200.00
Unauthorized use of auditory signalling device	8	$200.00
Short form wording	**Schedule 2 offence**	**Penalty Amount**

Permitting noise by detonating fireworks or explosives during prohibited time	1	$200.00
Permitting noise from a toy, model or replica during prohibited time	2	$200.00
Permitting noise from electronic device during prohibited time	3	$200.00
Permitting noise from a stationary railway vehicle or equipment on non-railway property	4	$200.00
Permitting noise from a motorized conveyance during prohibited time	5	$200.00
Permitting noise from venting or release of air, steam, or gas from equipment or system	6	$200.00
Permitting noise from operation of a commercial car wash with air drying equipment	7	$200.00
Permitting noise by yelling, shouting, hooting, whistling, singing or playing a musical instrument during a prohibited time	8	$200.00
Operating snow making equipment during prohibited time	9	$200.00
Selling or advertising by shouting or amplified sound during prohibited time	10	$200.00
Permitting noise from delivery, packing, or handling of goods or refuse, except essential services during a prohibited time	11	$200.00
Operating Construction equipment during a prohibited time	12	$200.00
Operating any tool other than for snow removal during a prohibited time	13	$200.00
Permitting noise from operation of refuse compaction or bulk lift equipment during a prohibited time	14	$200.00
Operation of a commercial car wash during prohibited times	15	$200.00

Waste Site By-law (2025-25)

COLUMN 1 **Short form Wording**	**COLUMN 2** **Provision creating or defining offence**	**COLUMN 3** **Penalty Amount**
Unauthorized person using Municipal Permit	2.5 b)	$150.00
Enter outside of operating hours	3.1	$150.00
Dump or dispose waste originating outside the Municipal Landfill	3.2	$200.00
Dispose of waste or recyclables without Municipal Permit	3.3	$150.00
Enter without showing Municipal Permit	3.4 a)	$150.00
Fail to provide proof of name and address on request	3.4 b)	$125.00
Fail to declare nature and origin of refuse, waste, recycling, or other material	3.4 c)	$125.00
Deposit or dispose of refuse, waste, recycling, or other material in area not designated	3.5	$150.00
Commercial Waste disposal in landfill	3.6	$350.00
User (Commercial) disposing in landfill	3.7	$350.00
Fail to pay fee	3.8	$150.00
Dispose of prohibited substance or material	3.9	$350.00
Fail to sort recyclable materials	3.10	$100.00
Fail to deposit recyclable materials as directed	3.10	$100.00
Set fire to materials	3.11	$350.00
Dispose of burning or smouldering materials	3.12	$350.00

Dispose of hazardous waste	3.13	$350.00
Unlawfully scavenge or salvage	3.14	$150.00
Disassemble article for constituent parts	3.14 c)	$150.00
Attempt to Dispose of refused load	3.15	$350.00
Fail to leave when directed	3.16	$350.00
Deposit waste or recyclables without consent of owner	4.1	$350.00
Dump or dispose of refuse on a highway	4.2	$250.00
Attempt to dump or dispose of refuse on a highway	4.2	$250.00
Dump or dispose of refuse or recyclables on municipal or government owned land	4.3	$250.00
Dump or dispose of waste on private land	4.4	$350.00
Dispose of Recycling in a non-clear bag	4.5	$100.00
Dispose of Garbage in a non-clear bag	4.6	$100.00
Fail to provide identification	5.3	$250.00
Hinder or obstruct officer	5.4	$350.00
Give false statement or information	5.5	$350.00

Road Obstruction By-law (2019-19)

COLUMN 1 **Short form Wording**	**COLUMN 2** **Provision creating or defining offence**	**COLUMN 3** **Penalty Amount**
Deposit Snow or ice on highway	2.1 a)	$200.00
Relocate snow or ice on highway	2.1 b)	$200.00
Litter on Highway	2.1 c)	$200.00
Damage or alter highway without authorization	2.1 d)	$300.00
Hinder or Obstruct an Officer	4.2	$300.00

Dark Skies By-law (2020-36)

COLUMN 1 **Short form Wording**	**COLUMN 2** **Provision creating or defining offence**	**COLUMN 3** **Penalty Amount**
Install or Maintain outdoor light that creates light pollution	2.1	$150.00
Operate Laser Source light for Advertising or entertainment	2.5.1	$250.00
Operate Search Lights for Advertising or entertainment	2.5.2	$200.00
Electrical illumination of outdoor advertising sign after business hours	2.5.3	$200.00
Use of unauthorized strobe lights	2.5.4	$150.00
Hinder or obstruct an Officer	3.5	$300.00
Fail to comply with an Order	3.6	$300.00

Parks and Access Points By-law (2016-44)

COLUMN 1 **Short form Wording**	**COLUMN 2** **Provision creating or defining offence**	**COLUMN 3** **Penalty Amount**
Animal off-leash in park/water access	3 a)	$75.00
Fail to remove animal waste in park / water access area	3 a)	$150.00
Start or tend to fire in public park or water access area	4 a)	$200.00

Ignite fireworks in public park or water access area	4 b)	$200.00
Deposit dangerous object on rink surface	5 a)	$200.00
Operate any boat or watercraft in restricted swimming zone	6 a)	$300.00
Improper use of municipal dock	6 b) and c)	$75.00
Engage in dangerous activity in public park	7 a)	$300.00
Vehicle parked without a permit	8 a)	$75.00
Unauthorized motor vehicle operation in park	8 b)	$75.00
Vehicle parked causing traffic obstruction	8 c)	$75.00
Camp in public park / water access facility	9	$200.00
Damage or climb park property or vegetation	11 a)	$150.00
Harm or disturb wildlife	11 b)	$150.00
Enter posted no-trespass area	11 c)	$200.00
Use of abusive or offensive language in park	11 d)	$200.00
Create nuisance or interfere with others	11 e)	$200.00
Littering in public park	11 f)	$150.00
Throw object into park water body	11 g)	$75.00

Burning By-law (2017-45)

COLUMN 1 **Short form Wording**	**COLUMN 2** **Provision creating or defining offence**	**COLUMN 3** **Penalty Amount**
Open air fire without permit	2.1	$200.00
Conduct unsafe open air burning	2.2	$300.00
Open air fire left unattended	2.3	$300.00
Fail to control open air fire and extinguish before leaving the area	2.4	$300.00
Conduct fire on lands without lawful permission	2.5	$150.00
Burning of restricted substances	2.6	$150.00
Decrease visibility on any highway	2.7.1	$150.00
Open air fire adversely affecting adjacent property	2.7.2	$150.00
Spread of fire through grass, brush, forested area	2.7.3	$300.00
Conduct Fire during a fire ban	2.8.1	$300.00
Conduct Fire during an extreme fire hazard	2.8.2	$300.00
Fire during a high fire hazard contrary to restrictions	2.8.3	$300.00
Open Air Fire within two metres of flammable material	2.9	$150.00
Failure to possess adequate tools or water readily accessible	2.10	$150.00
Improper Burning in an incinerator	2.11	$150.00
Responsible person not present	3.1.1	$200.00
Fire exceeds two metres in height or diameter	3.1.2	$150.00
Fire is burning outside of permitted hours	3.1.3	$250.00
Fire is less than three metres from combustibles	3.1.4	$150.00
Tools and water on site are not adequate to control the fire	3.1.5	$250.00
Operable Phone not present during burning	3.1.6	$150.00
Burning in a restricted fire zone contrary to regulations	4.0	$300.00

Parking By-law (2014-39)

COLUMN 1 Short form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Penalty Amount	COLUMN 4 Early Payment Amount
Park in prohibited area		$75.00	$50.00
Park obstructing traffic		$75.00	$50.00
Park during prohibited times		$75.00	$50.00
Park without permit		$75.00	$50.00
Park a detached trailer in prohibited area		$75.00	$50.00
Park not in accordance with marked angle parking	2.2	$75.00	$50.00
Park in front of driveway	2.3	$75.00	$50.00
Park within an Intersection	2.4	$75.00	$50.00
Park within ten feet of a fire hydrant	2.5	$75.00	$50.00
Park obstructing traffic	2.6	$75.00	$50.00
Park in position preventing another vehicles exit	2.7	$75.00	$50.00
Park on road during winter	2.8	$75.00	$50.00
Park obstructing snow removal operations	2.9	$75.00	$50.00

Dog By-law (2026-??)

COLUMN 1 Short form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Penalty Amount
Failure to obtain a licence and dog tag	2.1	$150.00
Fail to affix tag to dog*	4.21	$150.00
Exceed the maximum allowable number of dogs	4.3	$150.00
Allow a dog to run at large	4.4	$300.00
Allow persistent barking	4.5	$150.00
Use tag on dog other than dog registered	2.3 / 4.1 a)	$150.00
Have more than three dogs without a valid Kennel Licence	4.3	$150.00
Fail to remove dog excrement	4.6	$150.00
Fail to comply with notice to muzzle	6.4	$300.00
Erect, maintain or operate kennel without a license	8.2	$300.00
Fail to allow officer to inspect kennel	8.7	$200.00
Hinder or obstruct any person exercising lawful power or duty under this By-law	10.1	$300.00

Clean Yards By-law (2026-??)

COLUMN 1 Short form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Penalty Amount
Fail to maintain yard free of refuse	3.1	$300.00
Fail to maintain yard free of unsafe or hazardous conditions	3.2	$300.00
Fail to properly store derelict vehicle	3.3	$300.00
Fail to cut grass	3.5	$150.00

Obstruct Municipal Law Enforcement Officer	5.3	$300.00
Fail to comply with a notice	8.1	$300.00

Administrative Fees

Administrative Fees	**Fee Amount**
Screening Non-Appearance Fee	$100.00
Hearing Non-Appearance Fee	$100.00
Late Payment Fee	$45.00
NSF Fee	As set out in the current Township Fee Schedule By-law
MTO Plate Denial Fee	$25.00
MTO Plate Search	$15.00

Schedule "C"

Review Request Forms

Request for Review by Screening Officer

Administrative Penalty Notice Number (APN #) _____

Are you requesting a review for multiple APNs?

Yes
No

Are you the person that received the APN?

Yes
No

Name on APN: _____

Email Address: _____

Telephone Number:_____

Will an Agent be representing you for this review/hearing?

Yes

No

Reason to request the Screening Review (Please Select One)

__ There is a defective form or substance (error) on the APN
__ The APN was not served accordingly
__ Undue financial hardship (must provide documented proof of financial hardship such as old age security, guaranteed income supplement, or any other form of social assistance)
__ I have evidence to indicate that the by-law contravention did not occur
__ I believe I took all reasonable steps to prevent the contravention from occurring

Please include any additional information here:

Please attach any additional documentation that you feel would support your dispute:

Declaration

The information contained in this application and any other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Date:_____

Signature:_____

Personal information contained in this form is collected under the authority of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, and will be used to process the applicant's Request for Review of the Screening Officer. Questions about this collection can be directed to the Clerk's Office Township of Carling 2 West Carling Bay Rd, Carling ON P0G1G0

Request for Review by Hearing Officer

A person who wishes to submit a Request for Review by Hearing Officer for an Administrative Penalty Notice (APN) shall submit this application within 30 days of the Screening Decision.

Administrative Penalty Notice Number (APN #): _____

Are you requesting a Hearing for multiple APNs?

Yes
No

Are you the person that received the APN?

Yes
No

Name on APN: _____

Email Address: _____

Telephone Number: _____

Will an Agent be representing you for this review/hearing?

Yes
No

Reason to request the Hearing Review (Please Select One)

__ Undue financial hardship (must provide documented proof of financial hardship such as old age security, guaranteed income supplement, or any other form of social assistance)
__ I have evidence to indicate that the by-law contravention did not occur
__ I believe I took all reasonable steps to prevent the contravention from occurring

Please include any additional information here:

Please attach any additional documentation that you feel would support your dispute.

Declaration

The information contained in this application and any other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Date:

Signature:

Personal information contained in this form is collected under the authority of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended and will be used to process the applicant's Request for Review by

Hearing Officer. Questions about this collection can be directed to the Clerk's Office Township of Carling 2 West Carling Bay Rd Carling ON P0G1G0

Time Extension Request for Screening Review

Penalty Notice Number _____ Penalty Notice Issued on _____

Vehicle License Plate Number (if applicable) _____

Your Name _____

Your Address

_____

Your Telephone Number _____ Your Email Address _____

Please describe the mitigating or extenuating circumstance that prevented you from either paying or requesting as review by the due date, and the reason you require an extension of time to either pay or request a review.

_____
_____
_____
_____
_____
_____
_____
_____
_____

In order to be considered for an Extension of Time to Request a Screening Review, this Request must be received by the Screening Officer within 30 days of the date the Penalty Notice was issued.

The decision to grant or deny the request will be made by a Screening Officer and in accordance with the AMPS Extension of Time Policy.

The Screening officer may grant the request a mitigating or extenuating circumstance that warrants an extension of time is provided.

You will be notified of the decision of the Screening Officer. If the Screening Officer grants an extension, a staff member will contact you to book a Screening Review appointment.

If submitting a printed request, please send this completed Request for Extension of Time to Request a Screening Review to:

Township of Carling
2 Carling Bay Road West
Nobel, ON
P0G 1G0

Declaration

The information contained in this application and any other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Date:_____

Signature:_____

Personal information contained in this form is collected under the authority of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended and will be used to process the applicant's Request for Review by Screening Officer. Questions about this collection can be directed to the Clerk's Office Township of Carling 2 West Carling Bay Rd Carling ON P0G1G0

Time Extension Request for Hearing Review

Penalty Notice Number _____ Penalty Notice Issued on _____

Vehicle License Plate Number (if applicable) _____

Your Name _____

Your Address

_____

Your Telephone Number _____ Your Email Address _____

Please describe the mitigating or extenuating circumstance that prevented you from either paying or requesting as review by the due date, and the reason you require an extension of time to either pay or request a review.

_____
_____
_____
_____
_____
_____
_____
_____
_____

In order to be considered for an Extension of Time to Request a Hearing Review, this Request must be received by the Clerk within 15 days from the date that their right to Request a Review of Hearing Officer expires.

The decision to grant or deny the request will be made by the Clerk and in accordance with the AMPS Extension of Time Policy.

The Clerk may grant the request a mitigating or extenuating circumstance that warrants an extension of time is provided.

You will be notified of the decision of the Clerk. If the Clerk grants an extension, a staff member will contact you to book a Hearing Review appointment.

If submitting a printed request, please send this completed Request for Extension of Time to Request a Hearing Review to:

Township of Carling
2 Carling Bay Road West
Nobel, ON
P0G 1G0

Declaration

The information contained in this application and any other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Date:_____

Signature:_____

Personal information contained in this form is collected under the authority of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended and will be used to process the applicant's Request for Review by Hearing Officer. Questions about this collection can be directed to the Clerk's Office Township of Carling 2 West Carling Bay Rd Carling ON P0G1G0

SCHEDULE "D"

Conflict of Interest Policy in Relation to the Administrative Monetary Penalty System

1. POLICY STATEMENT

1.1. This policy addresses conflicts of interest in relation to the administration of the Administrative Monetary Penalty System ("AMPS") program.

2. PURPOSE

2.1. To define what constitutes a conflict of interest in relation to the AMPS program, to prevent such conflicts of interest, and to redress such conflicts should they occur.

2.2. To establish conflict of interest guidelines to ensure that the AMPS program responsibilities are conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence, and integrity.

3. DEFINITIONS

3.1. **"Administrative Penalty"** means any administrative monetary penalty established by the Municipality's AMPS By-law, including its Schedules;

3.2. **"AMPS"** means the Administrative Monetary Penalty System;

3.3. **"Clerk"** means the Municipal Clerk, their delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

3.4. **"Council"** means the Council of the Corporation of the Township of Carling;

3.5. **"Hearing"** means the process set out in the AMPS By-law for conducting a review of a Screening Decision by a Hearing Officer;

3.6. **"Hearing Officer"** means a person appointed to perform the duties of a Hearing Officer pursuant to the AMPS By-law;

3.7. **"Penalty Notice"** means a notice of an Administrative Penalty issued for contravention of a designated municipal by-law;

3.8. **"Municipality"** means the Corporation of the Township of Carling;

3.9. **"Relative"** means:

3.9.1. Spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
3.9.2. Parent or legal guardian;
3.9.3. Child, including a stepchild and grandchild;
3.9.4. Siblings and children of siblings;
3.9.5. Aunt, uncle, niece and nephew;
3.9.6. In-laws, including mother, father, sister, brother, daughter and son; or
3.9.7. Any person who lives with the person on a permanent basis.

3.10. **"Screening Decision"** means a decision made by a Screening Officer on a Screening Review;

3.11. **"Screening Officer"** means a person appointed to perform the duties of a Screening Officer pursuant to the AMPS By-law; and

3.12. **"Screening Review"** means the process set out in the AMPS By-law for conducting a review of an Administrative Penalty by a Screening Officer.

4. SCOPE

4.1. This policy applies to all Screening Officers, Hearing Officers, and all Municipal officials and employees involved in the administration of the AMPS program.

4.2. The Township of Carling Employee Code of Conduct shall also apply to the activities of all Municipal employees in the administration of the AMPS program. If there is a conflict between this Policy and the Township of Carling Employee Code of Conduct regarding AMPS, this policy will take precedence.

4.3. This policy shall apply in addition to all applicable law (e.g., *Municipal Conflict of Interest Act,* R.S.O. 1990, c. M.50, etc.). A breach of applicable law relevant to any matters set out in this policy shall be deemed to be a breach of this policy.

5. APPOINTMENT

5.1. Appointment of Screening Officers and Hearing Officers:

5.1.1. The Screening Officers will be appointed by the Clerk and the Hearing Officers shall be appointed by a By-law passed by Council.

5.1.2. Screening Officers are persons appointed by the Clerk (through delegated authority by Council) to conduct Screening Reviews in accordance with the Municipality's AMPS By-law. Screening Officers employed by the Municipality are not permitted to be involved in the day-to-day supervision or management of officers issuing Penalty Notices under AMPS.

5.1.3. Hearing Officers are independent citizens appointed by Council to conduct Hearings in the public interest.

5.1.4. The following persons are not eligible for appointment as a Screening Officer or Hearing Officer:

a. A Member of Council.
b. A person indebted to the Municipality other than:
    i. In respect of current real property taxes; or
    ii. Pursuant to an agreement with the Municipality in terms with which the person is in compliance.
c. A Hearing Officer cannot be involved in litigation or legal proceedings against the Municipality.

6. CONDUCT OF SCREENING OFFICERS AND HEARING OFFICERS

6.1. All Screening Officers and Hearing Officers shall conduct themselves in the following manner:

6.1.1. With independence:

a. They must both be and appear to be independent, impartial, and unbiased.
b. They must avoid all conflicts of interest, whether real, potential, or perceived, and are responsible for promptly taking appropriate steps to

disclose, resolve, or obtain advice with respect to such conflicts as they arise.

c. They should not be influenced by partisan interests, public opinion, or by fear of criticism.
d. They should not use their title and position to promote their own interests or the interests of others.
e. They should discharge their duties in accordance with the law, Municipal by-laws and AMPS policies, procedures, and guidelines.

6.1.2. With knowledge:

a. They should maintain their competence through their work, by participating in training and education courses and by seeking guidance from their colleagues and the Municipality, as required.
b. They should remain up to date on changes in the law, Municipal by-laws, policies, and procedures relevant to their function.

6.1.3. With conduct becoming to their position:

a. They are subject to ongoing public scrutiny and therefore they must act with integrity, respect and comply with the law, and conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the AMPS program.
b. They should approach their duties in a calm and courteous manner when dealing with the public and others and should present and conduct themselves in a manner consistent with the integrity of the AMPS system and their appointment.
c. They should convey their decisions and the related reasons, where such are required, in plain language.
d. They must safeguard the confidentiality of information that comes to them by virtue of their work and should not disclose that information except as required by, and in accordance with, the law.
e. In discharging their duties, they must treat those with whom they deal in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those persons, and without limiting the foregoing, comply in all respects with the Ontario Human Rights Code.

6.1.4. With administration of natural justice being paramount:

a. They shall refrain from openly and publicly criticizing the administration of the AMPS program or the conduct of others. Screening Officers and Hearing Officers shall recognize that only the Clerk may speak publicly on behalf of the Municipality's AMPS program. Any criticism, suggestions, or concerns related to the AMPS program should be communicated through appropriate channels to the Clerk.
b. They should deal with tasks that come before them in a timely manner and should make themselves accessible to those requiring their services.
c. They must not knowingly exercise a power or function for which they have not been trained or designated.

6.1.5. Additionally:

a. Screening Officers may be employees of the Municipality and as employees they must also abide by the Township of Carling's Employee Code of Conduct.
b. Hearing Officers, in conducting a Hearing, are bound by and must comply with the *Statutory Powers Procedure Act,* R.S.O. 1990, c. S.22., as well as

with general administrative common law principles relating to procedural fairness and natural justice (e.g., impartial and unbiased decision making, etc.).

c. Hearing Officers (or Screening Officers if not Municipal employees) must also abide by the terms of any agreement governing the retainer between the Officer and the Municipality.

7. CONFLICT OF INTEREST

7.1. A conflict of interest arises where a Screening Officer, Hearing Officer or Municipal employee involved in the administration of the AMPS program, or any of their Relatives, has a direct or indirect personal or financial interest that:

7.1.1. Could influence a decision made in relation to the AMPS program;

7.1.2. May affect the performance of their job duties in relation to the AMPS program;

7.1.3. Actually conflicts, might conflict, or could reasonably be perceived to conflict with the proper administration of the AMPS program; or

7.1.4. May adversely affect the reputation of the Municipality as a public authority in relation to the AMPS program.

7.2. A conflict of interest encompasses any pecuniary or non-pecuniary interest, whether real, perceived, or potential, that could arise in relation to personal or financial matters including, but not limited to:

7.2.1. Directorships or other employment;

7.2.2. Interests in business enterprises or professional practices;

7.2.3. Share ownership or beneficial interests in trusts;

7.2.4. Professional or personal associations with a person;

7.2.5. Professional associations or relationships with other organizations;

7.2.6. Personal associations with other groups or organizations, or

7.2.7. Family relationships, including Relatives.

7.3. Screening Officers and Hearing Officers must be and appear to be impartial at all times. It would be inappropriate for a Screening Officer or Hearing Officer to review a Penalty Notice or a Screening Decision, as applicable, for a personal or business acquaintance or Relative.

7.4. Every Screening Officer, Hearing Officer or other Municipal employee involved in the administration of the AMPS program, must disclose any obligation, commitment, relationship or interest that poses a real, potential, or perceived conflict with his or her duties in relation to or interests in the administration of the AMPS program, in accordance with this policy.

7.5. A Screening Officer or Hearing Officer shall not represent any person at a Screening Review or Hearing.

7.6. Preventing Conflicts of Interest:

7.6.1. The key measures to preventing conflicts of interest are identification, disclosure and withdrawal from the power of decision with respect to a Screening Review or Hearing.

7.6.2. The need for identification, disclosure and withdrawal from a power of decision applies to any real, potential or perceived conflict of interest.

7.6.3. Screening Officers and Hearing Officers shall not adjudicate matters where a real, potential, or perceived conflict of interest may exist.

7.6.4. If a Screening Officer or Hearing Officer becomes aware of any real, potential, or perceived conflict of interest in regard to a Screening Review or Hearing, the Screening Officer or Hearing Officer shall notify the Clerk of the conflict of interest, and

a. In the case of a scheduled Screening Review or Hearing that has not yet commenced, they shall request that another Screening Officer or Hearing Officer be appointed to conduct the review; or

b. In the case of a review of a Screening Review or Hearing that has commenced, they shall adjourn the Screening Review or Hearing and withdraw from the power of decision.

In either case, the Municipality will reschedule the Screening Review or Hearing with another Screening Officer or Hearing Officer presiding, as applicable.

7.6.5. If all appointed Screening Officers and/or Hearing Officers have a conflict of interest with respect to a matter, then the Clerk shall retain another Screening Officer or Council will retain another Hearing Officer to handle that matter.

7.6.6. Screening Officers and Hearing Officers may not dispute their own Penalty Notice before a Screening Officer or Hearing Officer with whom they are acquainted. In a Screening Review or Hearing before an alternative Screening Officer or Hearing Officer, they shall not disclosure their title and position as a co-Screening Officer or co-Hearing Officer during the Hearing and are expected to pay any adjudicated Penalty Notice promptly.

7.7. Addressing Conflicts if they Occur:

7.7.1. The Township of Carling's Employee Code of Conduct has a process to deal with breaches of the Code by employees in the administration of the AMPS program.

7.7.2. If someone suspects that a Screening Officer or Hearing Officer conducted a Screening Review or Hearing Review where there was a conflict of interest, the person shall advise the Clerk and an investigation may be conducted in accordance with Municipal policies.

7.7.3. Any finding of a conflict of interest shall be reported to the Clerk by the responsible Municipal official, including any recommendation for appropriate disciplinary action, up to and including revocation of appointment.

7.7.4. A determination will be made by the Clerk as to whether or not a real, potential, or perceived conflict of interest exists, or if public confidence in the administration of the AMPS program has been compromised, and if so the

Screening Officer or Hearing Officer may be removed from his or her duties until the matter is resolved.

7.8. Influence:

7.8.1. No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, with employees or other persons performing duties related to the administration of the AMPS program.

7.8.2. No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, with a Screening Officer or Hearing Officer respecting the determination of an Administrative Penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing.

7.9. Charges under the Criminal Code or Other Statutes or Regulations:

7.9.1. Where a Screening Officer or Hearing Officer is charged with an offence under the Criminal Code of Canada or any other federal statute or regulation that is dealt with under the Criminal Code of Canada, such charge shall be disclosed forthwith to the Clerk.

7.9.2. Where a Screening Officer or Hearting Officer is charged with an offence under other federal or provincial statutes or regulations and where continuing to perform his or her duties may erode public confidence in the administration of the AMPS program, the charge shall be disclosed to the Clerk.

7.9.3. A determination will be made by the Clerk as to whether or not a real, potential, or perceived conflict of interest exists as a result of the charge, or if public confidence in the administration of the AMPS program has been compromised, and if so the Screening Officer or Hearing Officer may be removed from his or her duties until the final disposition of the charge.

8. IMPLEMENTATION

8.1. This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and Municipal employees involved in the enforcement and administration of AMPS and all current and new employees with the potential for interaction with the AMPS program.

8.2. Procedures may be defined by the Clerk to address specific implementation of this policy.

9. ACCOUNTABILITY

9.1. All Screening Officers, Hearing Officers and Municipal employees involved in the administration of the AMPS program are accountable for implementing and abiding by this policy.

9.2. Accountability for interpretation of this policy in relation to a real, potential, or perceived conflict of interest shall be determined by the Clerk.

9.3. Questions related to this policy are to be directed to the Clerk. Should legal clarification be required, a solicitor used by the Municipality may be contacted by the Clerk.

10. ADMINISTRATION

10.1. This policy shall be administered by the Clerk.

11. EVALUATION

11.1. The effectiveness of this policy will be evaluated by the Clerk from time to time or as required by legislative changes.

11.2. Any identified deficiencies or non-compliance issues will be addressed promptly, with corrective measures documented and implemented.

11.3. Where this policy has been violated, the Clerk may investigate and determine appropriate corrective action.

SCHEDULE "E"

Prevention of Political Interference Policy for the Administrative Monetary Penalty System

1. POLICY STATEMENT

1.1. This policy is to prevent political interference in the administration of the Administrative Monetary Penalty System ("AMPS")

2. PURPOSE

2.1. To prevent political interference of any kind in the administration of the AMPS program and to minimize and restrict opportunities for political interference, intentionally or unintentionally.

2.2. To define what constitutes political interference in relation to the AMPS program to ensure the responsibilities of the Screening Officers and Hearing Officers are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality, and integrity, without any political interference.

3. DEFINITIONS

3.1. **"AMPS"** means the Administrative Monetary Penalty System;

3.2. **"Clerk"** means the Municipal Clerk, their delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

3.3. **"Council"** means the Council of the Corporation of the Township of Carling;

3.4. **"Hearing"** means the process set out in the AMPS By-law for conducting a review of a Screening Decision by a Hearing Officer;

3.5. **"Hearing Officer"** means a person appointed to perform the duties of a Hearing Officer pursuant to the AMPS By-law;

3.6. **"Municipality"** means the Corporation of the Township of Carling;

3.7. **"Screening Officer"** means a person appointed to perform the duties of a Screening Officer pursuant to the AMPS By-law; and

3.8. **"Screening Review"** means the process set out in the AMPS By-law for conducting a review of an administrative monetary penalty by a Screening Officer.

4. SCOPE

4.1. This policy applies to all Members of the Council as well as other Municipal Officials and employees, Screening Officers and Hearing Officers.

4.2. In regard to Members of Council, this policy should be read and interpreted within the context of prevailing provincial legislation (i.e., *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50) and the Council Code of Conduct, including its related policies, procedures and guidelines.

5. PROCEDURE

5.1. Principles of Preventing Political Interference:

5.1.1. No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, with employees or other persons performing duties related to the administration of AMPS.

5.1.2. No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, with a Screening Officer or Hearing Officer respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing.

5.1.3. All persons involved with the enforcement and administration functions of the AMPS program shall endeavor to carry out such duties in a manner which upholds the integrity of the administration of justice.

5.2. Accountability:

5.2.1. A Screening Officer or Hearing Officer, Municipal employee or other person performing duties related to AMPS program shall report any attempt at political influence or interference, financial, political or otherwise to the Clerk as soon as possible. No action shall be taken against the Screening Officer, Hearing Officer, Municipal employee or other person(s) for making any such report in good faith.

5.2.2. Where any Municipal employee, Screening Officer, Hearing Officer or other person performing duties related to the AMPS program is contacted by a Member of Council or Municipal official with respect to the administration of the AMPS program, they shall immediately disclose such contact to the Clerk in order to maintain the integrity of the AMPS program.

5.2.3. Any interference or attempt to interfere with the AMPS program may result in charges under the Criminal Code of Canada, as applicable, or any other applicable law, in addition to other disciplinary action.

5.2.4. Any interference with AMPS or an attempt to interfere with AMPS, by a member of Council, will be addressed pursuant to the Council Code of Conduct.

6. IMPLEMENTATION

6.1. All Members of Council shall be provided with a copy of this policy and the policy shall form part of the Council Code of Conduct.

6.2. This Policy shall form part of the orientation for all Members of Council at the start of a new term of Council, as well as all current and new Municipal Officials and employees with potential for interaction with the AMPS program.

6.3. This policy shall form part of the orientation for all current and new Screening Officers and Hearing Officers.

6.4. Procedures may be defined by the Clerk to address specific implementation of this policy.

7. ADMINISTRATION

7.1. This policy shall be administered by the Clerk.

8. EVALUATION

8.1. The effectiveness of this policy will be evaluated by the Clerk from time to time or as required by legislative changes.

8.2. Any identified deficiencies, violations, or non-compliance issues will be investigated by the Clerk and addressed promptly with corrective measures documented and implemented.

SCHEDULE "F"

Public Complaints Process Policy for the Administrative Monetary Penalty System

1. POLICY STATEMENT

1.1. This policy is to address any public complaints regarding the administration of the Administrative Monetary Penalty System ("AMPS")

2. PURPOSE

2.1. To ensure the AMPS program remains an open, accessible, responsive, accountable, efficient, and effective system for enforcement of designated municipal by-laws in the Township of Carling and to ensure that any public complaints are addressed in a timely and responsible manner.

3. DEFINITIONS

3.1. **"AMPS"** means the Administrative Monetary Penalty System;

3.2. **"Clerk"** means the Municipal Clerk, their delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

3.3. **"Council"** means the Council of the Corporation of the Township of Carling;

3.4. **"Hearing Officer"** means a person appointed to perform the duties of a Hearing Officer pursuant to the AMPS By-law;

3.5. **"Municipality"** means the Corporation of the Township of Carling; and

3.6. **"Screening Officer"** means a person appointed to perform the duties of a Screening Officer pursuant to the AMPS By-law.

4. SCOPE

4.1. This policy applies to all public complaints, informal or formal, regarding all aspects of the AMPS program, and applies to all administrative actions and functions of all Municipal employees and other persons responsible for the administration of the AMPS program.

4.2. This policy is not an appeal mechanism to reverse or alter any decision of a Screening Officer or Hearing Officer.

4.3. Screening Officers and Hearing Officers do not have jurisdiction to consider questions related to the validity of a statute, regulation or By-law or constitutional applicability or operability of any statute, regulation or By-law. Any public complaints regarding the validity of a statute, regulation or By-law or the constitutional applicability or operability of any statute, regulation or By-law will not be processed though this policy.

4.4. This policy is not intended to replace other specific Municipal programs, policy/procedures, and/or legal processes available to the public to address public concerns with the AMPS program.

5. PROCEDURE

5.1. Public complaints shall be processed in keeping with all applicable statutes, by-laws, and policies of the Municipality. The complaint process shall be as follows:

5.1.1. Any public complaint must be in writing, identifying the name and full contact information of the complainant, along with information sufficient for the Municipality to review and investigate the complaint, and sent to the Clerk within 30 (thirty) days of the date of the event for which the complaint is being made.

5.1.2. Complaints that are anonymous will not be accepted because they prevent verification and follow-up, which are necessary to ensure the integrity and effectiveness of the complaint resolution process.

5.1.3. All complaints shall be treated as confidential by the Clerk, and shared only as required to investigate the complaint, respecting personal information privacy and confidentiality, subject to legislative provisions and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act,* R.S.O. 1990, c. M.56.

5.1.4. Any complaint regarding a Member of Council in respect of the administration of AMPS shall be processed in accordance with the Council Code of Conduct.

5.1.5. The Clerk will not address or process any public complaint that is deemed by the Clerk, in their sole discretion, as frivolous, vexatious, trivial, or made in bad faith.

5.1.6. A complainant may withdraw their complaint at any time.

5.1.7. Where possible, attempts will be made to address public complaints though an informal resolution process before proceeding to a formal resolution process.

5.1.8. Any resolution of a public complaint will be addressed by written response by the Clerk to the person filing the complaint.

5.2. A public complaint upheld though a review cannot be used as the basis to change or void a decision of a Screening Officer or Hearing Officer, including any administrative penalty fines and administrative fees due or paid.

5.3. The Clerk in conjunction with the Municipal By-law Enforcement Officer will report annually as part of the annual AMPS program report on the summary of public complaints filed and addressed in respect of the AMPS program.

6. ACCOUNTABILITY AND IMPLEMENTATION

6.1. All Persons responsible for administration the AMPS program shall be responsible for implementation of this policy.

6.2. The Clerk unless otherwise noted, shall be responsible for addressing public complaints regarding the administration of the AMPS program.

6.3. This policy shall form part of the orientation for all Screening Officers, Hearing Officers and Municipal employees involved in the enforcement and administration of AMPS and all current and new employees with the potential for interaction with the AMPS program.

6.4. Procedures may be defined by the Clerk to address specific implementation of this policy.

7. ADMINISTRATION

7.1. This policy shall be administered by the Clerk.

8. EVALUATION

8.1. The effectiveness of this policy will be evaluated by the Clerk from time to time or as required by legislative changes.

8.2. Any identified deficiencies or non-compliance issues will be addressed promptly, with corrective measures documented and implemented.

SCHEDULE "G"

Financial Management and Reporting Policy for the Administrative Monetary Penalty System

1. POLICY STATEMENT

1.1. This policy is to affirm that the Township of Carling's Administrative Monetary Penalty System ("AMPS") shall follow the existing corporate policies and procedures related to financial management and reporting.

2. PURPOSE

2.1. To ensure all financial management and reporting responsibilities related to the AMPS program conform to the Municipality's current corporate policies and procedures for financial management and reporting.

3. DEFINITIONS

3.1. **"Administrative Fees"** means applicable fees relating to administrative penalties as provided for in the Municipality's AMPS By-law, including its Schedules;

3.2. **"Administrative Penalty"** means any administrative monetary penalty established by the Municipality's AMPS By-law, including its Schedules;

3.3. **"AMPS"** means the Administrative Monetary Penalty System;

3.4. **"Clerk"** means the Municipal Clerk, their delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

3.5. **"Council"** means the Council of the Corporation of the Township of Carling;

3.6. **"Hearing Officer"** means a person appointed to perform the duties of a Hearing Officer pursuant to the AMPS By-law;

3.7. **"Municipality"** means the Corporation of the Township of Carling;

3.8. **"Penalty Notice"** means a notice of an Administrative Penalty issued for contravention of a designated municipal by-law; and

3.9. **"Screening Officer"** means a person appointed to perform the duties of a Screening Officer pursuant to the AMPS By-law.

4. SCOPE

4.1. This policy applies to all financial management and reporting responsibilities and accountabilities regarding the AMPS program. All Municipal employees and other persons responsible for the administration of AMPS program shall comply with this policy.

5. PROCEDURE

5.1. Overall Financial Management and Reporting:

5.1.1. Preparation of the Municipality's budget revolves around priority setting that reflects Council priorities, service delivery objectives, and standards and historical financial performance, all balanced with the need for prudent

financial management. Priority setting and budgeting with respect to the AMPS program shall be the responsibility of the Clerk in conjunction with the Municipal Law Enforcement Officer.

5.1.2. Through the process of current and capital financial management and reporting for the AMPS program, the Clerk shall:

a. Review and monitor current years actual, budgeted, and projected financial performance and operating results.
b. Proactively compare program financial activity with past performance to identify trends, issues, and opportunities.
c. Comply with all reporting standards and requirements as part of the Municipality's financial management and reporting processes.
d. Comply with all Municipal procurement policies and procedures with regard to the AMPS program.
e. Set priorities for maintaining and improving AMPS program service levels.
f. Develop long-term plans for AMPS, including multiyear operating and capital budget analysis and projections.
g. Identify and mitigate factors affecting the AMPS budget and financial performance, such as inflation, fixed costs, and legislative requirements beyond the Municipality's control.
h. Ensure all required financial signing authorities are established and followed by all staff involved in AMPS administration.

5.2. Any person issuing a Penalty Notice in respect of the contravention of a designated by-law is not permitted to accept payment in respect of an Administrative Penalty.

5.3. Screening Officers and Hearing Officers are prohibited from directly accepting any payment from any person in respect of an Administrative Penalty.

5.4. All Municipal employees engaged in the administration of the AMPS program shall ensure all work activities are conducted in accordance with the Township of Carling's Employee Code of Conduct.

5.5. Municipal employees shall ensure compliance with Municipal cash/payment handling procedures for financial stewardship.

6. METHODS OF PAYMENT

6.1. Following the issuance of a Penalty Notice, a person may make a payment by using one of the following methods:

6.1.1. **Online:** Set the "Township of Carling" up as a payee. Contact the Municipality for account information.

6.1.2. **In Person:** Cash or Debit Card
Personal Cheques / Certified Cheques /Money Order (including Penalty Notice number) and made payable to the "Township of Carling".

6.1.3. **By Mail:** To the Municipal Office
Township of Carling, 2 West Carling Bay Road, Nobel ON, P0G 1G0
Personal Cheques / Certified Cheques, Cheques/Money Order (include Penalty Notice number) and made payable to "Township of Carling".

6.2. Payment is not considered made until received by the Municipality. Persons must allow sufficient mailing time for payments. Persons should not send cash by mail. Post-dated cheques or payment by installations are not accepted. Non-sufficient funds ("NSF") cheques will be subject to an Administrative Fee.

7. REPORTING AND TRACKING ADMINISTRATIVE PENALTIES AND ADMINISTRATIVE FEES

7.1. Upon receipt of a Penalty Notice payment, a Municipal employee will apply the payment to a specific Penalty Notice and provide notification to the By-law Enforcement Office that the Penalty Notice has been paid.

7.2. The Municipal employee will process the various methods of payment as follows:

7.2.1. **In Person**
Apply the various methods of payment to the Penalty Notice. Provide a payee with a receipt of payment for their records.

7.2.2 **By Mail**
Apply the cheque payment to the Penalty Notice Mail. Provide a receipt if requested by a payee.

7.2.3 **Online**
Apply the e-transfer payment to the Penalty Notice. Provide a receipt if requested by a payee.

8. AMPS PROGRAM ADMINISTRATIVE FEES

8.1. Various Administrative Fees may be payable by a person with a Penalty Notice in addition to payment of an Administrative Penalty, as set out in the Municipality's current AMPS By-law.

8.2. If a person has paid any Administrative Fees in respect of an Administrative Penalty and the Administrative Penalty is subsequently cancelled by a Screening Officer or Hearing Officer, the Municipality shall refund in full such Administrative Fees to the person.

9. ACCOUNTABILITY AND IMPLEMENTATION

9.1. All persons responsible for administering the AMPS program shall be responsible for implementation of this policy.

9.2. This policy shall form part of the orientation for all Screening Officers, Hearing Officers and Municipal employees involved in the enforcement and administration of the AMPS program and all current and new employees with the potential for interaction with the AMPS program.

9.3. Procedures may be defined by the Clerk to address specific implementation of this policy.

10. ADMINISTRATION

10.1 This policy shall be administered by the Clerk.

11. EVALUATION

11.1. The effectiveness of this policy will be evaluated by the Clerk from time to time or as required by legislative changes.

11.2. Any identified deficiencies or non-compliance issues will be addressed promptly with corrective measures documented and implemented.

SCHEDULE "H"

Financial Hardship Policy for the Administrative Monetary Penalty System

1. POLICY STATEMENT

1.1. The Township of Carling utilizes an Administrative Monetary Penalty System ("AMPS") for the enforcement of various By-laws in force in the Township. This Policy addresses financial hardship in relation to the administration of the AMPS program and the fees associated with AMPS. This Policy establishes guidelines to ensure that the Screening and Hearing Officers are aware of how to address claims of financial hardship and provides examples of documentation that could be accepted as evidence that payment would cause a financial hardship.

2. PURPOSE

2.1. The purpose of this policy is to respond to requests by persons who have been issued a Penalty Notice for relief from paying all, or part of an Administrative Penalty, including Administrative Fees, if the person can demonstrate they would suffer financial hardship if required to pay the penalty. This policy is not intended to provide criteria for establishing financial hardship in respect of any other Township of Carling programs or services.

2.2. This policy is established in accordance with Ontario Regulation 333/07, which requires municipalities to develop a policy to address financial (undue) hardship experienced by individuals required to pay an Administrative Penalty and any applicable Administrative Fees.

3. DEFINITIONS

3.1. **"Administrative Fees"** means applicable fees relating to administrative penalties as provided for in the Municipality's AMPS By-law, including its Schedules;

3.2. **"Administrative Penalty"** means any administrative monetary penalty established by the Municipality's AMPS By-law, including its Schedules;

3.3. **"AMPS"** means the Administrative Monetary Penalty System;

3.4. **"Clerk"** means the Municipal Clerk, their delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

3.5. **"Hearing"** means the process set out in the AMPS By-law for conducting a review of a Screening Decision by a Hearing Officer;

3.6. **"Hearing Decision"** means a notice that contains a decision made by a Hearing Officer;

3.7. **"Hearing Officer"** means a person appointed to perform the duties of a Hearing Officer pursuant to the AMPS By-law;

3.8. **"Municipality"** means the Corporation of the Township of Carling;

3.9. **"Penalty Notice"** means a notice of an Administrative Penalty issued for contravention of a designated municipal by-law;

3.10. **"Person"** includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof;

3.11. **"Screening Decision"** means a notice which contains the decision of a Screening Officer;

3.12. **"Screening Officer"** means a person appointed to perform the duties of a Screening Officer pursuant to the AMPS By-law;

3.13. **"Screening Review"** means the process set out in the AMPS By-law for conducting a review of an Administrative Penalty by a Screening Officer.

4. SCOPE

4.1. This policy applies to a Screening Review and/or a Hearing conducted by a Screening Officer or Hearing Officer, respectively, pursuant to the Municipality's AMPS By-law.

5. PROCEDURE

5.1. Any Person who is liable to pay an Administrative Penalty in accordance with a Penalty Notice is given the right to dispute the Administrative Penalty, and any associated Administrative Fees, in accordance with the Municipality's AMPS By-law.

5.2. In accordance with the authority set out in the Municipality's AMPS By-law, the Screening Officer or Hearing Officer have the authority to cancel, reduce, or extend the time for payment of an Administrative Penalty, including any Administrative Fees, if the Screening Officer or Hearing Officer finds that payment of the Administrative Penalty, and/or Administrative Fees, would cause financial hardship.

5.3. **Documentation to support financial hardship:**

5.3.1. A Person claiming financial hardship should provide documentation to support their claim at the Screening Review and/or Hearing. The Person shall provide documented proof of financial hardship such as:

a. An income tax return or a Canada Revenue Agency Notice of Assessment for the most recent taxation year;
b. The most recent statement of earnings from their employer showing the total earnings paid in the year to date including overtime, or, if such a statement is not available, their three most recent pay stubs; or
c. The most recent statement of income showing income received from sources such as employment insurance, social assistance, a pension (including, for example, Canada Pension Plan, Old Age Security, Guaranteed Income Supplement), worker's compensation, disability payments, Ontario Student Assistance Program, etc.

5.3.2. A Screening Officer or Hearing Officer may also consider the oral evidence provided by a Person in relation to their claim of financial hardship.

5.4. The Person claiming financial hardship must provide all evidence, including documentation but except oral evidence, to substantiate their claim at least seven calendar days prior to a hearing to the Clerk.

5.5. The Screening Officer or Hearing Officer will satisfy themselves at the Screening Review or Hearing as to relevance, authenticity, and credibility of the documents provided and will refer to those documents in their decision.

6. RECORDS RETENTION

6.1. All information and documentation shall be treated in a confidential manner, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56. Photocopies of the documentation may be required and attached to the Screening Decision and/or Hearing Decision.

7. IMPLEMENTATION

7.1. This Policy shall form part of the orientation for all current and new Screening Officers, Hearing Officers and AMPS administration staff.

8. ADMINISTRATION

8.1. This Policy shall be administered by the Clerk.

9. EVALUATION

9.1. The effectiveness of this policy will be evaluated by the Clerk from time to time or as required by legislative changes.

9.2. Any identified deficiencies or non-compliance issues will be addressed promptly, with corrective measures documented and implemented.