

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2025-032-RE

BEING A BY-LAW to amend Clean Yards By-law 2016-068-RE, being a By-law respecting litter, yard waste, and property maintenance.

WHEREAS on June 7, 2016, Council for The Corporation of the Town of Whitchurch-Stouffville enacted By-law 2016-068-RE as amended, being a by-law respecting litter, yard waste and property maintenance; and

WHEREAS it is deemed necessary to amend By-law 2016-068-RE .

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. That the following recitals be added to the recitals of By-law 2016-068-RE:

WHEREAS Section 391(1) of the Municipal Act, authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it; and

WHEREAS Section 434.1 of the Municipal Act states that a municipality may provide for a system of administrative penalties and fees as an additional means of encouraging compliance with a by-law; and

WHEREAS the Town has passed By-law 2024-039-RE, being a By-law to establish an administrative monetary penalty system for violations of designated by-laws within the Town of Whitchurch-Stouffville, in accordance with Section 434.1 of the Municipal Act, and O. Reg. 333/07, as amended;

2. That By-law 2016-068-RE is hereby amended by adding the following to section 1 - Definitions:

“AMPS” and “Administrative Monetary Penalty System By-law” means By-law 2024-039-RE of the Town, as amended from time to time, or any successor thereof.

3. That By-law 2016-068-RE is hereby amended by deleting Section 14 and replacing it with the following new Section 14:

14. PENALTY AND ENFORCEMENT

Administrative Monetary Penalty System (AMPS)

- 14.1 Every Person who contravenes any provision of this By-law is liable for the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2024-039-RE, as amended or replaced from time to time.
- 14.2 Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law 2024-039-RE, as amended or replaced from time to time.

Provincial Offences Act (POA)

- 14.3 Every Person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and upon conviction is liable to pay a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 14.4 Any Person who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 14.5 For the purposes of this By-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 14.6 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 14.7 Where a Person is convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

General

- 14.8 Whether non-compliance is addressed through an AMPS penalty or a charge under the Provincial Offences Act shall be determined by the Municipal Law Enforcement Officer at their sole discretion. Such factors to be considered when making this determination include, but are not limited to, the degree of the non-compliance, whether there is a history of non-compliance, whether property damage occurred, whether human life or safety was put at risk.
- 14.9 If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order, each day shall constitute a “continuing offence” being a new and separate contravention.
- 14.10 Every Person shall comply with any notice or order issued under the authority of this By-law.

- 14.11 No Person shall provide false information or give a false statement to an officer, employee and/or agent of the Town in the lawful exercise of a power or duty under this By-law.
- 14.12 No Person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an officer, employee and/or agent of the Town in the lawful exercise of a power or duty under this By-law.

4. That this By-law shall come into force and effect on the 1st day of May 2025.

READ a first and second time this 16th day of April, 2025.

READ a third time and passed this 16th day of April, 2025.

Iain Lovatt, Mayor

Becky Jamieson, Clerk