

# THE REGIONAL MUNICIPALITY OF YORK

## BYLAW NO. 2023-34

To prohibit or regulate  
parking and stopping on Regional roads

WHEREAS pursuant to Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*"), the Council of The Regional Municipality of York may pass bylaws respecting highways, including parking and traffic on highways;

AND WHEREAS pursuant to Section 8(3) of the *Municipal Act, 2001*, a bylaw under Section 11 of the Act respecting a matter may regulate or prohibit respecting the matter;

AND WHEREAS a municipality may enforce a bylaw for any unlawful parking, standing or stopping of a vehicle as an offence under Part II of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*");

AND WHEREAS pursuant to Section 102.1(1) of the *Municipal Act, 2001*, a municipality may require a person to pay an administrative penalty for failing to comply with any bylaws respecting the parking, standing or stopping of vehicles;

AND WHEREAS Section 3 of Ontario Regulation 333/07 (the "Regulation") provides that a municipality shall not exercise the power referred to in Section 102.1 of the *Municipal Act, 2001* unless the municipality has passed a bylaw establishing a system of administrative penalties that meets the requirements of the Regulation;

AND WHEREAS pursuant to Section 12 of the Regulation and Section 391 of the *Municipal Act, 2001*, a municipality may impose fees or charges in connection with the administration of a system of administrative penalties;

AND WHEREAS pursuant to Section 170(15) of the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended (the "*Highway Traffic Act*"), a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the *Highway Traffic Act*, upon discovery of any vehicle parked or standing in contravention of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25;

NOW THEREFORE, the Council of The Regional Municipality of York hereby enacts as follows:

### 1 INTERPRETATION

1.1 In this bylaw:

**“adjudication fee”** means an administrative fee as set out in Schedules D.2 and F.2 to this bylaw, which may be imposed on a person with respect to any decision regarding a penalty notice issued to that person for a contravention of a provision of this bylaw within the geographic areas of the Township of King or the Town of Newmarket and that is upheld by a hearing officer after a review by a hearing officer;

**“administrative fee”** means a fee, as set out in Schedules A.2, D.2, E.2, F.2, G.2 and H.2 to this bylaw, which may be imposed on a person in addition to an administrative penalty;

**“administrative penalty”** means an administrative penalty established under Section 10.2 of this bylaw;

**“authorized sign”** means any sign, marking or device placed or erected on a highway by the Commissioner under the authority of this bylaw, and includes but is not limited to the following:

- (a) paint;
- (b) an official sign; and
- (c) a signal light traffic control system;

**“boulevard”** means that part of a highway that is not used, or intended to be used, for vehicular travel by the general public, and is situated between the travelled portion of the road and the adjoining property line, but does not include a gravel or paved shoulder;

**“Commissioner”** means the person from time to time occupying the office of the Commissioner of Public Works or such successor office as the case may be, and includes any individual who has been authorized to act temporarily during that person’s absence or a vacancy in the office;

**“Council”** means the Council of the Region;

**“crosswalk”** means:

- (a) that part of a highway at an intersection that is included within the connection of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or
- (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;

**“day”** means a calendar day;

**“dedicated cycling facility”** means any path intended exclusively for cycling traffic;

**“early payment amount”** means the amount that is equal to the administrative penalty amount applicable to a contravention of a provision of this bylaw within the geographic areas of the Township of King as set out in Schedule D.1 to this bylaw, and the Town of Newmarket as set out in Schedule F.1 to this bylaw, less twenty-five percent (25%) and the early payment amount that is applicable to a contravention of a provision of this bylaw within the geographic area of the Town of Aurora as set out in Schedule A.1 to this bylaw;

**“hearing non-appearance fee”** means an administrative fee, as set out in Schedules A.2, D.2, E.2, F.2, G.2 and H.2 to this bylaw, with respect to a person’s failure to appear at the time and place scheduled for a review before a hearing officer;

**“hearing officer”** means a person appointed as a hearing officer under Section 13 of this bylaw;

**“highway”** includes a common and public highway, boulevard, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines;

**“Highway Traffic Act”** means the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, and the regulations made under that Act;

**“holiday”** means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day on which the Region’s offices are closed for business;

**“late payment fee”** means an administrative fee, as set out in Schedules A.2, D.2, E.2, F.2, G.2 and H.2 to this bylaw, with respect to a person’s failure to pay an administrative penalty within the time limit for payment set out in the penalty notice;

**“lay-by parking”** means the parking bays in a dedicated lane, off the roadway, directly adjacent to the through lanes, delineated by curbs or pavement markings;

**“local municipality”** means the municipality or corporation of the Town of Aurora, the Town of East Gwillimbury, the Town of Georgina, the Township of King, the City of Markham, the Town of Newmarket, the City of Richmond Hill, the City of Vaughan, and the Town of Whitchurch-Stouffville;

**“median”** means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier, an unpaved strip of ground, or by pavement markings;

**“Ministry”** means the Ontario Ministry of Transportation and any successor ministry or related authority;

**“motor vehicle”** includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or any other motor vehicle running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*;

**“MTO fee”** means an administrative fee, as set out in Schedules A.2, D.2, E.2, F.2, G.2 and H.2 to this bylaw, with respect to any search of the records of the Ministry, any inquiry to the Ministry, or any notice to or communication with the Ministry, and includes but is not limited to the MTO plate denial fee and the MTO registered owner search fee;

**“MTO plate denial fee”** means an administrative fee as set out in Schedules A.2, D.2 and F.2 to this bylaw, with respect to notifying the Ministry for the purpose of denying renewal of a vehicle permit;

**“MTO registered owner search fee”** means an administrative fee as set out in Schedules A.2, D.2, E.2, F.2, G.2, and H.2 to this bylaw, with respect to any search of the records of the Ministry to determine the registered owner of a vehicle;

**“Municipal Act, 2001”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

**“NSF fee”** means an administrative fee, as set out in Schedules A.2, D.2, E.2, G.2 and H.2 to this bylaw, with respect to payment by negotiable instrument received 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;

**“officer”** means an individual appointed for the purpose of enforcing this bylaw under Sections 11.1 and 12.3 of this bylaw;

**“official sign”** means a sign approved by the Ministry;

**“owner”** has the meaning set out in Section 5(2) of the Regulation;

**“park” or “parking”**, means the standing of a vehicle whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

**“pedestrian crossover”** means any part of a roadway, designated by by-law, and distinctly marked for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway;

**“penalty notice”** means a notice issued to a person under Section 14 of this bylaw;

**“police officer”** means a police officer of the York Regional Police, the Ontario Provincial Police or the Royal Canadian Mounted Police;

**“private roadway”** means any private road, private driveway, lane, ramp or other means of vehicular access to or egress from a property, building or structure, and it may include part of a parking lot;

**“Provincial Offences Act”** means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, and the regulations made under that Act;

**“Region”** means The Regional Municipality of York;

**“Regulation”** means Ontario Regulation 333/07, as amended, made under the *Municipal Act, 2001*;

**“review by a hearing officer”** and **“hearing”** mean the review of a screening decision pursuant to the Regulation and as set out in Section 16 of this bylaw;

**“roadway”** means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively;

**“school”** means an elementary or secondary school and includes the school playground, school garden, gymnasium, offices and other land used for school purposes;

**“school zone”** means the area on either side of the highway contiguous to 150 metres beyond the limit of the land used for school purposes;

**“screening non-appearance fee”** means an administrative fee, as set out in Schedules A.2, D.2, E.2, F.2, G.2 and H.2 to this bylaw, with respect to a person’s failure to appear at the time and place scheduled for a review before a screening officer;

**“screening officer”** means a person appointed as a screening officer under Section 13 of this bylaw;

**“screening officer’s decision”** means a notice which contains the decision of a screening officer;

**“shoulder”** means that part of highway immediately adjacent to the roadway and having a surface which has been improved with, asphalt, concrete, or gravel;

**“standing”** means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

**“stop or stopping”** means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal;

**“vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, and any vehicle drawn, propelled or driven by any kind of power, but does not include a motorized snow vehicle or a street car; and

**“winter operations”** means the use of equipment and/or materials to ensure that roadways remain relatively clear of snow and ice, whether prior to or subsequent to any snowfall, including, but not limited to, the application of salt, sand, or like materials and the use of a plow for the removal of snow and ice.

- 1.2 Any other words or phrases used in this bylaw, unless the contrary intention appears, have the same meaning as in the *Highway Traffic Act*.
- 1.3 Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time except in periods when daylight savings time is in effect, in which periods it shall be daylight savings time.
- 1.4 The schedules referred to in this bylaw shall form part of this bylaw.

## **2 APPLICATION**

- 2.1 This bylaw applies to all highways under the jurisdiction of the Region.
- 2.2 This bylaw does not apply to:
  - (a) a public transit vehicle or bus as defined in the *Highway Traffic Act*, where compliance would be impractical due to the placement of the bus stop for public transit and school buses;

- (b) a vehicle used by a person in the lawful performance of their duty as a mail carrier on behalf of Canada Post;
- (c) a vehicle used by a person in the lawful performance of their duty as a police officer; or
- (d) a vehicle used by a person in the lawful performance of their duty on behalf of the Region.

2.3 The Commissioner is authorized to erect, place, maintain or display such signs as are required to give effect to the provisions of this bylaw.

### **3 GENERAL PARKING AND STOPPING REGULATIONS**

3.1 No person shall park a vehicle on a highway:

- (a) in such a manner as to obstruct a sidewalk, crosswalk or private entrance;
- (b) within three metres of a point in the edge of the roadway that is nearest to a fire hydrant;
- (c) on or within 100 metres of a bridge, over, under or across which the highway passes;
- (d) subject to Section 3.1(e), within nine metres of an intersection on the highway;
- (e) where there is a signal-light traffic control system installed at an intersection on the highway, within fifteen metres of the intersection;
- (f) within fifteen metres of a railway crossing;
- (g) within thirty metres of a roundabout or traffic circle;
- (h) in any lane designated for the exclusive use of certain classes of vehicles as identified in the Region's Bylaw No. 2020-53, as amended or replaced;
- (i) in a dedicated cycling facility;
- (j) within twelve metres of a location designated as a bus stop;
- (k) within fifteen metres of a pedestrian crossover;
- (l) subject to Section 3.1(a), on any boulevard, except for a driveway including its apron;

- (m) on a median;
- (n) in front of, or within one metre of, or so as to obstruct vehicles in the use of a driveway, laneway or private roadway;
- (o) in a position or place that prevents or is likely to prevent the removal of any vehicle already parked on the highway; or
- (p) for a longer period of time than three consecutive hours.

3.2 No person shall stop a vehicle on a highway:

- (a) in any lane designated for the exclusive use of certain classes of vehicles as identified in the Region's Bylaw No. 2020-53, as amended or replaced;
- (b) in a dedicated cycling facility;
- (c) within twelve metres of a location designated as a bus stop;
- (d) within fifteen metres of a pedestrian crossover; or
- (e) on a median.

3.3 No person shall park any vehicle on a highway so as to interfere with winter operations within the geographic boundaries of the following local municipalities during the dates and times set out below:

<b>Municipality</b>	<b>Prohibited Time and Days</b>
Town of East Gwillimbury	any time
Township of King	any time
City of Markham	any time
Town of Newmarket	any time
City of Richmond Hill	any time
City of Vaughan	any time
Town of Aurora	From November 15 <sup>th</sup> to April 15 <sup>th</sup> in each year from 2:00 a.m. to 6:00 a.m.
Town of Georgina	From November 15 <sup>th</sup> to April 15 <sup>th</sup> in each year from 2:00 a.m. to 7:00 a.m.



Town of Whitchurch-Stouffville

From December 1<sup>st</sup> to March 31<sup>st</sup> in  
each year from 2:00 a.m. to 5:00 a.m.

#### **4 GENERAL PROHIBITED PARKING AND STOPPING AREAS**

- 4.1 Where authorized signs are displayed indicating a prohibited parking area, no person shall park a vehicle on a highway:
- (a) within 100 metres of an intersection on the highway;
  - (b) in the case of a fire hall with an entrance-way to the highway for the use of fire fighting vehicles,
    - i. within 7.5 metres from the entrance-way on the same side of the highway as the fire hall, or
    - ii. within 100 metres from the entrance-way on the opposite side of the highway to that of the fire hall;
  - (c) in a school zone;
  - (d) within 100 metres of a roundabout or traffic circle;
  - (e) within twenty-five metres of a location designated as a bus stop;
  - (f) within thirty metres of a pedestrian crossover.
- 4.2 Where authorized signs are displayed indicating a prohibited stopping area, no person shall stop a vehicle on a highway:
- (a) within twenty-five metres of a location designated as a bus stop;
  - (b) within thirty metres of a pedestrian crossover; or
  - (c) in a school zone.

#### **5 PARALLEL PARKING**

- 5.1 No person shall park a vehicle on a highway unless he or she parks the vehicle:
- (a) on the right side of the highway having reference to the direction in which the vehicle has been travelling; and
  - (b) when parking on the roadway, such that the right side of the vehicle is parallel and not more than 30 centimetres out from the edge of the roadway; and
  - (c) when parking off the roadway, such that the left side of the vehicle is parallel to the edge of the roadway.
- 5.2 Sections 5.1 (a), (b) and (c) shall not apply to prohibit the parking of a motor vehicle on the left side of a designated one-way highway.

- 5.3 Nothing in this section shall be deemed to permit parking at any location or in such a manner that is otherwise prohibited.

## **6 PARKING PROHIBITED ON CERTAIN HIGHWAYS**

- 6.1 No person shall park a vehicle on the highway set out in Column 1, at the side and between the limits set out respectively in Columns 2 and 3 of Table 1 (Parking Prohibited) to each of Schedules “A” to “I” to this bylaw during the prohibited times or days set out in Column 4 of Table 1 to each of Schedules “A” to “I”.
- 6.2 Section 6.1 shall not apply to lay-by parking unless specifically set out in any Schedule to this bylaw.
- 6.3 Nothing in this section shall be deemed to permit parking at any location or in such a manner that is otherwise prohibited.

## **7 PARKING RESTRICTED ON CERTAIN HIGHWAYS**

- 7.1 No person shall park a vehicle on the highway set out in Column 1, at the side and between the limits set out respectively in Columns 2 and 3 of Table 2 (Parking Restricted) to each of Schedules “A”, to “I” to this bylaw except during the times or days expressly permitted in Column 4 of Table 2 to each of Schedules “A” to “I”.
- 7.2 Section 7.1 shall not apply to lay-by parking unless specifically set out in any Schedule to this bylaw.
- 7.3 Nothing in this section shall be deemed to permit parking at any location or in such a manner that is otherwise prohibited.

## **8 STOPPING PROHIBITED ON CERTAIN HIGHWAYS**

- 8.1 No person shall stop a vehicle on the highway set out in Column 1, at the side and between the limits set out respectively in Columns 2 and 3 of Table 3 (Stopping Prohibited) to each of Schedules “A” to “I” to this bylaw during the times or days set out in Column 4 of Table 3 to each of Schedules “A” to “I”.
- 8.2 Section 8.1 shall not apply to lay-by parking unless specifically set out in any Schedule to this bylaw.
- 8.3 Nothing in in this section shall be deemed to permit parking at any location or in such a manner that is otherwise prohibited.

## **9 ACCESSIBLE PARKING**

- 9.1 No person shall park, stand or stop a vehicle on the highway set out in Column 1, at the side and between the limits set out respectively in Columns 2 and 3 of Table 4 (Accessible Parking) to Schedule “C” to this bylaw, unless that vehicle is operated by a person possessing a valid accessible parking permit issued under Part III of the *Highway Traffic Act* and such permit is visibly displayed on the vehicle.

## **10 PENALTY**

- 10.1 Every person who contravenes any provision of this bylaw within the geographic areas of the Town of East Gwillimbury, the Town of Georgina, or the Town of Whitchurch-Stouffville is guilty of an offence and upon conviction is liable to a fine as provided for under the *Provincial Offences Act*.
- 10.2 Every person who contravenes any provision of this bylaw within the geographic areas of the Town of Aurora, the Township of King, the City of Markham, the Town of Newmarket, the City of Richmond Hill or the City of Vaughan is subject to an administrative penalty in the amounts as set out in Schedules A.1, D.1, E.1, F.1, G.1 and H.1 to this bylaw, as applicable, for the corresponding prohibited activity.
- 10.3 Where an officer has issued a penalty notice to a person with respect to a contravention of any provision of this bylaw within the geographic area of the Town of Newmarket, that person may pay the early payment amount instead of the full administrative penalty amount, provided the early payment amount is received by the Town of Newmarket within fifteen (15) calendar days from the date of issue of the penalty notice in accordance with Town of Newmarket’s Bylaw number 2019-62, as may be amended or replaced from time to time.
- 10.4 Where an officer has issued a penalty notice to a person with respect to a contravention of any provision of this bylaw within the geographic area of the Township of King, that person may pay the early payment amount instead of the full administrative penalty amount, provided the early payment amount is received by the Township of King within fifteen (15) calendar days from the date of service of the penalty notice in accordance with Township of King’s Bylaw number 2022-040, as may be amended or replaced from time to time.
- 10.5 Where an officer has issued a penalty notice to a person with respect to a contravention of any provision of this bylaw within the geographic area of the Town of Aurora, that person may pay the early payment amount instead of the full administrative penalty amount, provided the early payment amount is received by the Town of Aurora within fifteen (15) calendar days from the effective date of service of the penalty notice in accordance with Town of Aurora’s Bylaw number 6450-22, as may be amended or replaced from time to time.

## **11 ENFORCEMENT OF PROVINCIAL OFFENCES**

- 11.1 The provisions of this bylaw applicable to the geographic areas of the Town of East Gwillimbury, the Town of Georgina and the Town of Whitchurch-Stouffville may be enforced by:
- (a) a police officer;
  - (b) any person or class of persons appointed for that purpose by a bylaw of the Region; or
  - (c) any person who is a provincial offences officer as defined under the *Provincial Offences Act*.

## **12 ENFORCEMENT OF ADMINISTRATIVE PENALTIES**

- 12.1 Every person who contravenes any provision of this bylaw within the geographic areas of the Town of Aurora, the Township of King, the City of Markham, the Town of Newmarket, the City of Richmond Hill or the City of Vaughan is subject to an administrative penalty and is subject to the procedures set out in this bylaw.
- 12.2 The provisions of this bylaw applicable to the geographic areas of the Town of Aurora, the Township of King, the City of Markham, the Town of Newmarket, the City of Richmond Hill and the City of Vaughan are hereby designated as the parts of this bylaw to which a system of administrative penalties applies, for the purposes of Section 102.1 of the *Municipal Act, 2001* and Section 3(1) (b) of the Regulation.
- 12.3 The provisions of this bylaw applicable to the geographic areas of the Town of Aurora, the Township of King, the City of Markham, the Town of Newmarket, the City of Richmond Hill and the City of Vaughan may be enforced by:
- (a) a police officer;
  - (b) any person or class of persons appointed for that purpose by a bylaw of the Region; or
  - (c) any person appointed or designated by a local municipality for the purpose of enforcing its bylaws.

## **13 APPOINTMENT OF SCREENING OFFICERS AND HEARING OFFICERS FOR ADMINISTRATIVE PENALTIES**

- 13.1 For the purposes of Sections 15 and 16 of this bylaw, the screening officers and hearing officers appointed by the City of Markham pursuant to the City of Markham Bylaw 2015-94, as amended from time to time, are hereby appointed as screening officers and hearing officers respectively of the Region for the geographic area of the City of Markham with respect to this bylaw.

- 13.2 For the purposes of Sections 15 and 16 of this bylaw, the screening officers and hearing officers appointed by the City of Richmond Hill pursuant to the City of Richmond Hill Bylaw 70-16, as amended from time to time, are hereby appointed as screening officers and hearing officers respectively of the Region for the geographic area of the City of Richmond Hill with respect to this bylaw.
- 13.3 For the purposes of Sections 15 and 16 of this bylaw, the screening officers and hearing officers appointed by the City of Vaughan pursuant to the City of Vaughan Bylaw 157-2009, as amended from time to time, are hereby appointed as screening officers and hearing officers respectively of the Region for the geographic area of the City of Vaughan with respect to this bylaw.
- 13.4 For the purposes of Sections 15 and 16 of this bylaw, the screening officers and hearing officers appointed by the Town of Newmarket pursuant to the Town of Newmarket Bylaw 2019-62, as amended or replaced from time to time, are hereby appointed as screening officers and hearing officers respectively of the Region for the geographic area of the Town of Newmarket with respect to this bylaw.
- 13.5 For the purposes of Sections 15 and 16 of this bylaw, the screening officers and hearing officers appointed by the Town of Aurora pursuant to the Town of Aurora Bylaw 6451-22, as amended or replaced from time to time, are hereby appointed as screening officers and hearing officers respectively of the Region for the geographic area of the Town of Aurora with respect to this bylaw.
- 13.6 For the purposes of Sections 15 and 16 of this bylaw, the screening officers and hearing officers appointed by the Township of King pursuant to the Township of King Bylaw 2022-042, as amended or replaced from time to time, are hereby appointed as screening officers and hearing officers respectively of the Region for the geographic area of the Township of King with respect to this bylaw.

#### **14 PENALTY NOTICES FOR ADMINISTRATIVE PENALTIES**

- 14.1 An officer who has reason to believe that a vehicle has been left parked, standing or stopped in contravention of this bylaw within the geographic areas of the Town of Aurora, the Township of King, the City of Markham, the Town of Newmarket, the City of Richmond Hill or the City of Vaughan, may issue a penalty notice as soon as reasonably practicable.
- 14.2 Every person who is the owner of a vehicle in contravention of this bylaw in the geographic areas of the Town of Aurora, the Township of King, the City of Markham, the Town of Newmarket, the City of Richmond Hill or the City of Vaughan shall, upon issuance of a penalty notice, be liable to pay to the Region the amount specified in the penalty notice and as set out in Schedules A.1, D.1, E.1, F.1, G.1, and H.1 to this bylaw, as applicable.

- 14.3 A penalty notice issued in the geographic area of the City of Markham shall contain the information as specified in the City of Markham bylaw number 2015-93, as amended from time to time, and shall be served in accordance with the provisions of said bylaw for any contravention of this bylaw within the geographic area of the City of Markham.
- 14.4 A penalty notice issued in the geographic area of the City of Richmond Hill shall contain the information as specified in the City of Richmond Hill bylaw number 69-16, as amended from time to time, and shall be served in accordance with the provisions of said bylaw for any contravention of this bylaw within the geographic area of the City of Richmond Hill.
- 14.5 A penalty notice issued in the geographic area of the City of Vaughan shall contain the information as specified in the City of Vaughan Bylaw number 1-96, as amended from time to time, and shall be served in accordance with the provisions of said bylaw for any contravention of this bylaw within the geographic area of the City of Vaughan.
- 14.6 A penalty notice issued in the geographic area of the Town of Newmarket shall contain the information as specified in the Town of Newmarket Bylaw number 2019-62, as amended or replaced from time to time, and shall be served in accordance with the provisions of said bylaw for any contravention of this bylaw within the geographic area of the Town of Newmarket.
- 14.7 A penalty notice issued in the geographic area of the Town of Aurora shall contain the information as specified in the Town of Aurora Bylaw number 6450-22, as amended or replaced from time to time, and shall be served in accordance with the provisions of said bylaw for any contravention of this bylaw within the geographic area of the Town of Aurora.
- 14.8 A penalty notice issued in the geographic area of the Township of King shall contain the information as specified in the Township of King Bylaw number 2022-040, as amended or replaced from time to time, and shall be served in accordance with the provisions of said bylaw for any contravention of this bylaw within the geographic area of the Township of King.
- 14.9 No officer may accept payment of an administrative penalty or administrative fee.

**15 REVIEW OF ADMINISTRATIVE PENALTIES BY A SCREENING OFFICER**

- 15.1 A person who is served with a penalty notice may request that the administrative penalty be reviewed by a screening officer.
- 15.2 The provisions of the City of Markham Bylaw number 2015-93, as amended from time to time, governing the review by a screening officer, apply to a review by a

screening officer under this bylaw within the geographic area of the City of Markham.

- 15.3 The provisions of the City of Richmond Hill Bylaw number 69-16, as amended from time to time, governing the review by a screening officer, apply to a review by a screening officer under this bylaw within the geographic area of the City of Richmond Hill.
- 15.4 The provisions of the City of Vaughan Bylaw number 1-96, as amended from time to time, governing the review by a screening officer, apply to a review by a screening officer under this bylaw within the geographic area of the City of Vaughan.
- 15.5 The provisions of the Town of Newmarket Bylaw number 2019-62, as amended or replaced from time to time, governing the review by a screening officer, apply to a review by a screening officer under this bylaw within the geographic area of the Town of Newmarket.
- 15.6 The provisions of the Town of Aurora Bylaw number 6450-22, as amended or replaced from time to time, governing the review by a screening officer, apply to a review by a screening officer under this bylaw within the geographic area of the Town of Aurora.
- 15.7 The provisions of the Township of King Bylaw number 2022-040, as amended or replaced from time to time, governing the review by a screening officer, apply to a review by a screening officer under this bylaw within the geographic area of the Township of King.
- 15.8 Where a person does not appear for a scheduled review by a screening officer, that person shall pay a screening non-appearance fee as set out in Schedule A.2, D.2, E.2, F.2, G.2 or H.2 to this bylaw, as applicable.

## **16 REVIEW OF A SCREENING OFFICER'S DECISION BY A HEARING OFFICER**

- 16.1 A person may request a review of a screening officer's decision by a hearing officer.
- 16.2 The provisions of the City of Markham Bylaw number 2015-93, as amended from time to time, governing the review by a hearing officer, apply to a review by a hearing officer under this bylaw within the geographic area of the City of Markham.
- 16.3 The provisions of the City of Richmond Hill Bylaw number 69-16, as amended from time to time, governing the review by a hearing officer, apply to a review by a hearing officer under this bylaw within the geographic area of the City of Richmond Hill.

- 16.4 The provisions of the City of Vaughan Bylaw number 1-96, as amended from time to time, governing the review by a hearing officer, apply to a review by a hearing officer under this bylaw within the geographic area of the City of Vaughan.
- 16.5 The provisions of the Town of Newmarket Bylaw number 2019-62, as amended or replaced from time to time, governing the review by a hearing officer, apply to a review by a hearing officer under this bylaw within the geographic area of the Town of Newmarket.
- 16.6 The provisions of the Town of Aurora Bylaw number 6450-22, as amended or replaced from time to time, governing the review by a hearing officer, apply to a review by a hearing officer under this bylaw within the geographic area of the Town of Aurora.
- 16.7 The provisions of the Township of King Bylaw number 2022-040, as amended or replaced from time to time, governing the review by a hearing officer, apply to a review by a hearing officer under this bylaw within the geographic area of the Township of King.
- 16.8 Where a person does not appear for a scheduled hearing by a hearing officer, that person shall pay a hearing non-appearance fee as set out in Schedule A.2, D.2, E.2, F.2, G.2 or H.2 to this bylaw, as applicable.

## **17 SERVICE OF DOCUMENTS FOR ADMINISTRATIVE PENALTIES**

- 17.1 The provisions of the City of Markham Bylaw number 2015-93, as amended from time to time, governing the service of documents, apply to the service of administrative penalty documents under this bylaw within the geographic area of the City of Markham.
- 17.2 The provisions of the City of Richmond Hill Bylaw number 69-16, as amended from time to time, governing the service of documents, apply to the service of administrative penalty documents under this bylaw within the geographic area of the City of Richmond Hill.
- 17.3 The provisions of the City of Vaughan Bylaw number 1-96, as amended from time to time, governing the service of documents, apply to the service of administrative penalty documents under this bylaw within the geographic area of the City of Vaughan.
- 17.4 The provisions of the Town of Newmarket Bylaw number 2019-62, as amended, supplemented, or replaced from time to time, governing the service of documents, apply to the service of administrative penalty documents under this bylaw within the geographic area of the Town of Newmarket.



17.5 The provisions of the Town of Aurora Bylaw number 6450-22, as amended, supplemented, or replaced from time to time, governing the service of documents, apply to the service of administrative penalty documents under this bylaw within the geographic area of the Town of Aurora.

17.6 provisions of the Township of King Bylaw number 2022-040, as amended, supplemented, or replaced from time to time, governing the service of documents, apply to the service of administrative penalty documents under this bylaw within the geographic area of the Township of King.

## **18 PROHIBITED COMMUNICATION AND UNDUE INFLUENCE**

18.1 No person shall attempt to, directly or indirectly, communicate with or influence a screening officer or a hearing officer respecting the determination of an issue in a proceeding that is or will be pending before the screening officer or hearing officer, except the person who is entitled to be heard in the proceeding or the person's lawyer or licensed representative and only by the person or the person's lawyer or licensed representative during the hearing of the proceeding in which the issue arises.

18.2 Nothing in Section 18.1 prevents a screening officer or hearing officer from seeking or receiving legal advice.

## **19 ADMINISTRATION OF ADMINISTRATIVE PENALTIES**

19.1 The Commissioner, or any individual designated by the Commissioner for this purpose in writing, shall administer this bylaw and establish any additional practices and procedures necessary to implement this bylaw and may amend such practices and procedures from time to time as the Commissioner deems necessary, without amendment to this bylaw, provided that such practices and procedures are not in conflict or inconsistent with this bylaw.

19.2 An administrative penalty, including any administrative fee, that is confirmed or reduced, or in respect of which the time for payment has been extended, and which remains unpaid after the date on which it is due and payable, constitutes a debt to the Region owed by the person to whom the penalty notice was issued.

19.3 Where an officer has issued a penalty notice to a person and the administrative penalty is not paid on or before the date on which it is due and payable, that person shall pay a late payment fee, in the amount set out in Schedules A.2, D.2, E.2, F.2, G.2 or H.2 to this bylaw, as applicable, in addition to the administrative penalty.

19.4 Where an officer has issued a penalty notice to a person and the administrative penalty is not paid on or before the date on which it is due and payable, that

person shall pay the MTO fee as set out in Schedules A.2, D.2, E.2, F.2, G.2 or H.2 to this bylaw, as applicable.

- 19.5 Where a person makes a payment to the Region, or to a local municipality on the Region's behalf, of any administrative penalty or administrative fee by negotiable instrument, for which there are insufficient funds available in the account on which the instrument is drawn, that person shall pay to the Region or to the local municipality on the Region's behalf the NSF fee in the amount specified in Schedules A.2, D.2, E.2, G.2, or H.2 to this bylaw, as applicable.
- 19.6 Where an administrative penalty and any applicable administrative fee are not paid within fifteen (15) days after becoming due and payable, the Region, or the local municipality on the Region's behalf, may notify the Ministry of the default and the Ministry shall not validate the vehicle permit of the person named in the notice of default nor issue a new permit to the person until the administrative penalty and any applicable administrative fee are paid.
- 19.7 Where the Region, or a local municipality on the Region's behalf, notifies the Ministry of a default under Section 19.6 of this bylaw, the person in default shall pay any applicable administrative fee imposed by the Ministry.
- 19.8 Where an administrative penalty is cancelled by a screening officer or hearing officer, any administrative fee is also cancelled.
- 19.9 Any time limit that would otherwise expire on a holiday is extended to the next day that is not a holiday.

## **20 FINANCIAL COLLECTION**

- 20.1 Any amount payable to the Region under this bylaw may be collected by the local municipality where the contravention occurred.

## **21 SEVERABILITY**

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

## **22 CONTINUATION OF PROCEEDINGS AND REPEAL**

- 22.1 Any proceeding commenced under Bylaw numbers 2017-37, 2017-47, 2019-03, 2019-58, 2020-03, 2020-15, 2022-29, 2022-43 or 2023-13, as amended, before this bylaw came into force shall be continued and finally disposed of in accordance with the provisions of that bylaw.

22.2 Bylaw numbers 2017-37, 2017-47, 2019-03, 2019-58, 2020-03, 2020-15, 2022-29, 2022-43 or 2023-13 are hereby repealed.

ENACTED AND PASSED on May 18, 2023.

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Regional Clerk

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Regional Chair

*Authorized by Item F.2.2 of the Committee of the Whole dated May 4, 2023, adopted by Regional Council at its meeting on May 18, 2023*