



# The Municipal Corporation of the Town of Fort Erie

## BY-LAW NO. 84-2014

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### BEING A BY-LAW TO ESTABLISH A SYSTEM FOR ADMINISTRATIVE PENALTIES RESPECTING THE STOPPING, STANDING AND PARKING OF VEHICLES WITHIN THE TOWN OF FORT ERIE

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**WHEREAS** Sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") authorizes The Corporation of the Town of Fort Erie to pass by-laws necessary or desirable for municipal purposes, and

**WHEREAS** Subsection 102.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles, and

**WHEREAS** the Province adopted the "Administrative Penalties" Regulation, O.Reg. 333/07 pursuant to the *Municipal Act, 2001* which applies to administrative penalties in respect to the parking, standing or stopping of vehicles, and

**WHEREAS** Section 391 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws imposing fees or charges for costs payable by it for services or activities, and services or activities provided or done by or on behalf of the municipality, and

**WHEREAS** the Town of Fort Erie has enacted a number of By-laws regulating the parking, standing or stopping of vehicles, namely By-Law No.2000-89, as amended, being a By-law regulating traffic and parking on the highways of the Town of Fort Erie, By-Law No. 74-89, as amended, being a By-law to designate private roadways as fire routes in the Town of Fort Erie, and By-law No. 119-03, as amended, being a By-law to regulate the use of parks and beaches in the Town of Fort Erie, and

**WHEREAS** the Town of Fort Erie will designate portions of By-law No. 2000-89, as amended, By-law No. 74-89, as amended, and By-law No. 119-03, as amended, to be applicable to the administrative penalty system established through this By-law, and

**WHEREAS** it is deemed desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the administrative penalty system;

**NOW THEREFORE** the Municipal Council of the Town of Fort Erie hereby enacts as follows:

#### 1.0 SHORT TITLE

1.1 This By-law may be referred to as the "Administrative Penalty By-law".

## 2.0 DEFINITIONS

2.1 The following terms are defined for the purposes of this by-law:

- 2.1.1 **"Administrative Fee"** means any fee specified in this by-law and listed in Schedule "D".
- 2.1.2 **"Administrative Penalty"** means a monetary penalty as set out in Schedules "A", "B", and "C" to this By-law for a contravention of a Designated By-law.
- 2.1.3 **"By-law"** means this by-law and any schedule to this by-law as they may from time to time be amended.
- 2.1.4 **"Council"** means the Municipal Council of The Corporation of the Town of Fort Erie.
- 2.1.5 **"Designated By-law"** means a by-law or provision of a by-law that is designated under this or any other by-law, as a by-law or provision of a by-law to which this By-law applies and is listed in Schedules "A", "B", and "C", attached to this By-law.
- 2.1.6 **"Director"** means the Director of Community and Development Services from time to time or the holder of the office exercising the functions presently performed by the said Director and includes or his or her designate.
- 2.1.7 **"Fee – Appeal Hearing – No Show"** means an Administrative Fee from time to time established by Council in respect of a Person's failure to appear at the time and place scheduled for a hearing before a Hearing Officer and listed in Schedule "D".
- 2.1.8 **"Fee – Late Payment"** means an Administrative Fee from time to time established by Council in respect of a Person's failure to pay an Administrative Penalty within the time prescribed in this By-law and listed in Schedule "D".
- 2.1.9 **"Fee – MTO Plate Denial"** means an Administrative Fee from time to time established by Council for notifying the Registrar of Motor Vehicles for the purpose of plate permit denial and listed in Schedule "D".
- 2.1.10 **"Fee – NSF"** means an Administrative Fee from time to time established by Council in respect for demand for payment received by the Town from a Person for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account of which the instrument was drawn, and listed in the Fees and Charges By-law No. 40-09, as amended, from time to time.
- 2.1.11 **"Fee – MTO Search"** means an Administrative Fee from time to time established by Council for searching the records of the Ontario Ministry of Transportation and listed in Schedule "D".

**2.1.12 “Fee – Screening No-Show”** means an Administrative Fee from time to time established by Council in respect of a Person’s failure to appear at the time and place scheduled for a review by a Screening Officer and listed in Schedule “D”.

**2.1.13 “Fire Route By-law”** means By-law No. 74-89 designating private roadways as fire routes in the Town of Fort Erie, as amended or replaced from time to time.

**2.1.14 “Hearing Officer”** means the Hearing Officer appointed by Council from time pursuant to By-law No. 86-2014, as may be amended or replaced.

**2.1.15 “Officer”** means each of:

- i. the Director;
- ii. a Municipal Law Enforcement Officer appointed by or under the authority of a Town by-law to enforce a Designated By-law; and
- iii. a police officer employed by the Niagara Regional Police, by the Ontario Provincial Police, or the Royal Canadian Mounted Police.

**2.1.16 “Owner”** means the registered owner of a motor vehicle as provided by the Ministry of Transportation of Ontario (MTO).

**2.1.17 “Parks and Beaches By-law”** means By-law No. 119-03 regulating the use of parks and beaches in the Town of Fort Erie, as amended or replaced from time to time.

**2.1.18 “Penalty Notice”** means a notice given pursuant to Subsections 4.1 and 4.2.

**2.1.19 “Penalty Notice Date”** means the date specified on the Penalty Notice pursuant to Subsection 4.3 (b).

**2.1.20 “Penalty Notice Number”** means the number specified on the Penalty Notice pursuant to Subsection 4.3 (c).

**2.1.21 “Person”** includes an individual, partnership, association, firm or corporation.

**2.1.22 “Regulation”** means Ontario Regulation 333/07, pursuant to the *Municipal Act, 2001*, S.O. 2001, c 25, as amended or replaced from time to time.

**2.1.23 “Request for Screening Form”** means the form that must be filed by a Person under Subsection 5.4 (a) and (b).

**2.1.24 “Request for Review Hearing Form”** means the form that must be filed by a Person under Subsection 6.5.

**2.1.25 "Screening Decision"** means a decision made by a Screening Officer pursuant to Section 5.0.

**2.1.26 "Screening Officer"** means the Manager of Human Resources of the Town of Fort Erie, or the holder of the office exercising the functions presently performed by the said Manager and includes his or her designate.

**2.1.27 "Town"** means The Corporation of the Town of Fort Erie.

**2.1.28 "Town Clerk"** means the Clerk for the Town of Fort Erie appointed by Council from time to time or the holder of the office exercising the functions presently performed by the said Town Clerk and includes his or her designate..

**2.1.29 "Traffic By-law"** means By-law No. 2000-89 regulating traffic and parking on the highways of the Town of Fort Erie, as amended or replaced from time to time.

### **3.0 DESIGNATED BY-LAWS**

**3.1** Town By-laws, or portions of Town By-laws, that are listed in Schedules "A", "B" and "C", to this By-law shall be Designated By-laws and are hereby designated for the purpose of Subsection 3(1)(b) of the Regulation and the provisions of this By-law shall apply to any contravention of a Designated By-law. Schedules "A", "B" and "C", shall set out the short form wording to be used for the contraventions of Designated By-laws and also set out the Administrative Penalties imposed for the contraventions.

**3.2** The *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, does not apply to a contravention of a Designated By-law.

### **4.0 PENALTY NOTICE**

**4.1** Each Person who contravenes a provision of a Designated By-law and is given a Penalty Notice, shall be liable to pay to the Town an Administrative Penalty in the amount specified in Schedules "A", "B", and "C".

**4.2** An Officer who has reason to believe that a Person has contravened any provision of a Designated By-law may issue a Penalty Notice to the Person.

**4.2.1** The Director may, before 5:00 pm of the tenth (10<sup>th</sup>) day after the Penalty Notice Date, cancel the Administrative Penalty.

**4.3** The Penalty Notice shall be given to the Person as soon as is reasonably practicable and shall include the following information:

- a) the vehicles licence plate number or vehicle identification number;
- b) the Penalty Notice Date;
- c) Penalty Notice Number;

- d) particulars of the contravention;
- e) the amount of the Administrative Penalty;
- f) such information as the Director determines is appropriate respecting the process by which the Person may exercise the Person's right to request a review of the Administrative Penalty; and
- g) a statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt of the Person to the Town.

## **5.0 REVIEW BY SCREENING OFFICER**

- 5.1** A Person who is given a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer.
- 5.2** A Person's right to request a review expires if it has not been exercised in the manner prescribed in Subsection 5.4 before 5:00 p.m. on the fifteenth (15<sup>th</sup>) day after the Penalty Notice Date.
- 5.3** A Person's right to request an extension of the time to request a review expires if it has not been exercised in the manner prescribed in Subsection 5.4 before 5:00 p.m. on the Thirtieth (30<sup>th</sup>) day after the Penalty Notice Date at which time:
  - a) the Person shall be deemed to have waived the right to request a review;
  - b) the Administrative Penalty shall be deemed to be affirmed; and
  - c) the Administrative Penalty shall not be subject to review, including review by any Court.
- 5.4** A Person's rights to request a review or to request an extension of time to request a review are exercised by giving to the Town written notice of the request to review by:
  - a) submitting a Request for Screening Form available at the Town's web page as set out in the Penalty Notice, by mail, fax or email and scheduling the time and place for the review; or
  - b) attending in person at the location listed on the Penalty Notice to complete a Request for Screening Form and scheduling the time and place for the review.
- 5.5** The Request for a Screening Form shall include the following Information:
  - a) the Penalty Notice Number;

- b) the Person's mailing address and, if applicable, facsimile transmission number and e-mail address;
- c) in the case of a request to extend the time to request a review, the reasons, if any, for having failed to exercise the right to request a review within the time limit prescribed in Subsection 5.3;
- d) particulars of all grounds upon which the request to review is based; and
- e) the Person's election to:
  - i. meet with a Screening Officer for the review, or
  - ii. have the review undertaken by a Screening Officer in writing in respect of the particulars provided by the Person pursuant to this Subsection 5.5.

**5.6** Where the Person elects to meet with a Screening Officer pursuant to Subsection 5.5 (e) i, the Person shall be given notice of the date, time and place of the review by facsimile, in-person, e-mail or mailing address as provided by the Person in the Request for Screening Form.

**5.7** Where the Person elects to meet with a Screening Officer pursuant to Subsection 5.5 (e) i, and the Person fails to appear at the time and place scheduled for a review or fails to remain at such place until the Screening Officer has made a Decision respecting the Administrative Penalty:

- a) the Person shall be deemed to have abandoned the request for the review;
- b) the Administrative Penalty shall be deemed to be affirmed;
- c) the Administrative Penalty shall not be subject to review, including review by any Court; and
- d) the Person shall pay to the Town a Fee – Screening No-Show.

**5.8** Subject to Subsection 5.3, the Screening Officer may:

- a) deny an extension of time for a review in which case the Administrative Penalty is deemed to be affirmed; or
- b) grant an extension of time for a review.

**5.8.1** For the purposes of Section 5.0 the Screening Officer may:

- (i) only extend the time to request a review of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time, or

- (ii) cancel, reduce or extend the time for payment of the Administrative Penalty and any Administrative Fees respecting that Administrative Penalty, where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and that:
  - i. there is reason to doubt that the Person contravened the Designated By-law;
  - ii. the Person took all reasonable steps to prevent the contravention; or
  - iii. that the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.

**5.9** After a Review is complete, the Screening Officer shall serve the Person with a Screening Decision.

**5.10** A Screening Officer has no jurisdiction 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.

## **6.0 APPEAL TO HEARING OFFICER**

**6.1** A Person may appeal to a Hearing Officer against the Screening Decision.

**6.2** The right to appeal is limited to a Person who has been given a Screening Decision pursuant to Subsection 5.9.

**6.3** A Person's right to appeal expires if it has not been exercised in the manner prescribed in Subsection 6.5 before 5:00 p.m. on the fifteenth (15<sup>th</sup>) day after the Screening Decision Date.

**6.4** A Person's right to request an extension of the time to appeal expires if it has not been exercised in the manner prescribed in Subsection 6.5 before 5:00 p.m. on the thirtieth (30<sup>th</sup>) day after the Screening Decision Date at which time:

- a) the Person shall be deemed to have waived the right to appeal;
- b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed; and
- c) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and not subject to any further review, including review by any Court.

- 6.5** A Person's rights to request an Appeal of a Screening Officer's decision or to request an extension of time to make a Request for Review by Hearing Officer are exercised by giving to the Town written notice by:
- a) submitting a Request for Review Hearing Form available at the Town's web page as set out in the Penalty Notice by mail, fax or email and scheduling the time and place for the review; or
  - b) attending in person at the location listed on the Penalty Notice to complete a Request for Review Hearing Form and scheduling the time and place for the review.
- 6.6** The Request for Review Hearing Form shall include the following Information:
- a) the Penalty Notice Number;
  - b) the Person's mailing address and, if applicable, facsimile transmission number and email address;
  - c) in the case of a request to extend the time to appeal, the reasons, if any, for having failed to exercise the right to appeal within the time limit prescribed by Subsection 6.4;
  - d) particulars of all grounds upon which the Appeal is made; and
  - e) a copy of the Person's completed Request for Screening Form and the Screening Decision of the Screening Officer.
- 6.7** The Person shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
- 6.8** A request for review or a request for an extension of time to request a review shall only be scheduled by the Town if the Person has submitted the request within the time limits set out in Subsections 6.3 and 6.4.
- 6.9** Where the Person fails to appear at the time and place scheduled for a hearing of the Appeal:
- a) the person shall be deemed to have abandoned the Appeal;
  - b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed;
  - c) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and are not subject to any further review or appeal, including review or appeal by any Court; and



d) the Person shall pay to the Town the Fee – Hearing No-Show.

**6.10** A Hearing Officer shall not make any decision respecting an Appeal unless the Hearing Officer has given each of the Person, the Director, and the Officer who gave the Penalty Notice an opportunity to be heard at the time and place scheduled for the hearing of the Appeal.

**6.11** Subject to Subsections 6.4 and 6.5 the Hearing Officer may:

- a) deny an extension of time for a Hearing in which case the Administrative Penalty including any Administrative Fees are deemed to be affirmed;
- b) grant an extension of time for a Hearing;
  - i. for the purposes of Subsection 6.11(b) the Hearing Officer may only extend the time to request a Hearing of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- c) affirm, cancel, or vary the Screening Officer's Decision and extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
  - i. where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
  - ii. where the Person establishes on a balance of probabilities, that the reduction or extension of time for payment of the Administrative Penalty including any Administrative Fee, is necessary to relieve any undue hardship.

**6.12** All hearings conducted by the Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.

**6.13** After a hearing is complete, the Hearing Officer shall immediately serve the Person with a Hearing Decision.

**6.14** The decision of a Hearing Officer is final and not subject to any further review including review by any Court.

**6.15** A Hearing Officer has no jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability of operability of any statute, regulation or by-law.

## **7.0 SERVICE OF DOCUMENTS OR NOTICE**

**7.1** Service of any document or notice, including a Penalty Notice, respecting this By-law may be given in writing in any of the following ways and is effective:

- a) affixing it to the vehicle in a conspicuous place at the time of the violation;
- b) when a copy is served on the Owner or operator of the vehicle by delivering it personally to the Person having care and control of the vehicle at the time of the contravention of the Designated By-law;
- c) when a copy is delivered to the Person to whom it is addressed;
- d) on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to the Person's last known address;
- e) upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number, or
- f) upon the sending of the notice or document or a copy thereof by e-mail transmission to the Person's last known e-mail address.

**7.2** For the purpose of Subsection 7.1(d), (e) and (f), a Person's last known address, last known facsimile transmission number and last known e-mail address are deemed to include those provided by the Person pursuant to Subsections 5.5(b) and 6.6(b).

**7.3** Any notice or document respecting this By-law to be given to the Town shall be in writing, shall be given in any of the following ways, and is effective:

- a) when a copy is delivered to the "Town Clerk, Town of Fort Erie, 1 Municipal Centre Drive Fort Erie, Ontario, L2A 2S6", during normal business hours;
- b) on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to "Parking Administrative Penalties, Att: Town Clerk, Town of Fort Erie, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6";
- c) upon conclusion of the transmission of a copy by facsimile transmission to (905) 871-4022; or
- d) upon the sending of the notice or document or a copy thereof by e-mail transmission to [parking@forterie.on.ca](mailto:parking@forterie.on.ca).

## **8.0 FINANCIAL ADMINISTRATION**

**8.1** No Officer who gives a Penalty Notice may accept payment of the Administrative Penalty respecting the Penalty Notice.

**8.2** An Administrative Penalty that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to this By-law, is due and payable and

constitutes a debt to the Town of each Person to whom or to which the Penalty Notice was given.

- 8.3 Where a Person has paid an Administrative Penalty or an Administrative Fee that is then cancelled or reduced pursuant to this By-law, the Town shall refund the amount cancelled or reduced.
- 8.4 Where an Administrative Penalty or any Administrative Fee respecting that Administrative Penalty are not paid within fifteen (15) days after the date that they become due and payable, a Person to whom the Penalty Notice was given shall pay to the Town a Fee – Late Payment.
- 8.5 Where an Administrative Penalty or any Administrative Fees respecting that Administrative Penalty are not paid within thirty (30) days after the date that they become due and payable, a Person to whom the Penalty Notice was given shall pay to the Town a Fee – MTO Plate Denial.
- 8.6 A person who is given a Penalty Notice and who does not pay to the Town the amount of the Administrative Penalty within fifteen (15) days of the Penalty Notice Date shall pay to the Town a Fee – MTO Search.
- 8.7 Where a Person provides a payment to the Town for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, shall pay to the Town a Fee – NSF.

## 9.0 **ADMINISTRATION**

- 9.1 The Director shall administer this By-law and establish any practices, policies and procedures necessary to implement this By-law and may amend such practices, policies and procedures from time to time as the Director deems necessary.
- 9.2 The Director shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-law and may amend such forms and notices from time to time as the Director deems necessary.
- 9.3 The Director may designate areas within the Town for conducting screening reviews and hearings under this By-law.

## 10.0 **GENERAL PROVISIONS**

- 10.1 Where an Administrative Penalty is not paid within 30 days after it becomes due and payable, the Town shall 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.
- 10.2 Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Administrative Fee is also cancelled.

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

10.4 Any schedule attached to this by-law forms part of this By-law.

**11.0 COMPLAINTS AND COMMENTS**

11.1 Complaints and comments respecting the administration of the Town's system of parking Administrative Penalties may be given to the Director of Community and Development Services. The Director shall consider each such complaint or comment in relation to the Director's consideration of opportunities for improvements to the Town's system of parking Administrative Penalties.

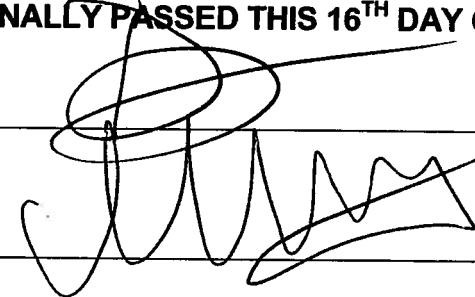
**12.0 VALIDITY**

12.1 If a court or tribunal of competent jurisdiction declares any provision or part of a provision of this By-law to be illegal or unenforceable, then that particular provision or provisions or part of the provision shall be severed and the remainder of this By-law shall continue to remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

**13.0 CORRECTIONS**

13.1 Pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16<sup>TH</sup> DAY OF JUNE, 2014.**

  
\_\_\_\_\_  
MAYOR  
  
\_\_\_\_\_  
CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 84-2014 of the said Town. Given under my hand and the seal of the said Corporation,  
this                      day of                      , 20   .

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**SCHEDULE "A"**

**TOWN OF FORT ERIE ADMINISTRATIVE PENALTY  
BY-LAW NO. 84-2014 DESIGNATED BY-LAW PROVISIONS  
TRAFFIC BY-LAW NO. 2000-89**

1. For the purposes of Section 3.0 of this By-law, Column 1 in the following table lists the provisions in Traffic By-law No. 2000-89, as amended, that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

| ITEM | COLUMN 1<br>DESIGNATED<br>PROVISIONS | COLUMN 2<br>SHORT FORM WORDING   | COLUMN 3<br>ADMINISTRATIVE<br>PENALTY |
|------|--------------------------------------|--|---------------------------------------|
| 1    | 201.01                               | (Stop/stand/park) facing wrong way                                       | \$30.00                               |
| 2    | 201.02                               | (Stop/stand/park) too far from edge of road                              | \$30.00                               |
| 3    | 201.03                               | (Stop/stand/park) too far from edge of shoulder                          | \$30.00                               |
| 4    | 201.04                               | (Stop/stand/park) facing wrong way on left side of one-way highway       | \$30.00                               |
| 5    | 201.05                               | (Stop/stand/park) too far from left edge of a one-way highway            | \$30.00                               |
| 6    | 201.06                               | (Stop/stand/park) too far from the left shoulder edge of one-way highway | \$30.00                               |
| 7    | 201.07                               | (Stop/stand/park) contrary to designated angle                           | \$30.00                               |
| 8    | 201.08                               | (Stop/stand/park) not within designated space                            | \$30.00                               |
| 9    | 201.09                               | Double (stopping/standing/parking)                                       | \$40.00                               |
| 10   | 202.01                               | Park on (shoulder/boulevard) where prohibited                            | \$30.00                               |
| 11   | 202.02                               | Park repeatedly (at/near) one location                                   | \$30.00                               |
| 12   | 203.01.01                            | Stop on sidewalk   | \$50.00                               |

| ITEM | COLUMN 1<br>DESIGNATED<br>PROVISIONS | COLUMN 2<br>SHORT FORM WORDING  | COLUMN 3<br>ADMINISTRATIVE<br>PENALTY |
|------|--------------------------------------|---|---------------------------------------|
| 13   | 203.01.02                            | Stop in intersection or crosswalk   | \$50.00                               |
| 14   | 203.01.03                            | Stop so as to impede traffic  | \$50.00                               |
| 15   | 203.01.04                            | Stop in/near tunnel or bridge   | \$50.00                               |
| 16   | 203.01.05                            | Stop on/adjacent to median  | \$50.00                               |
| 17   | 203.01.06                            | Stop on outer boulevard   | \$50.00                               |
| 18   | 203.02.01                            | Stop near/at school crossing or crosswalk where prohibited by sign                    | \$50.00                               |
| 19   | 203.02.02                            | Stop near/at railway crossing where prohibited by sign.                               | \$50.00                               |
| 20   | 203.02.03                            | Stop near school or playground where prohibited by sign                               | \$50.00                               |
| 21   | 203.02.04                            | Stop within 15m of intersection where prohibited by sign                              | \$50.00                               |
| 22   | 203.02.05                            | Stop within 60m of intersection controlled by traffic signal where prohibited by sign | \$50.00                               |
| 23   | 203.03                               | Stop where prohibited by sign   | \$50.00                               |
| 24   | 204.01.01                            | Stand near designated bus stop  | \$40.00                               |
| 25   | 204.02                               | Stand where prohibited by sign  | \$40.00                               |
| 26   | 205.01.01                            | Park within 10m of intersection   | \$30.00                               |
| 27   | 205.01.02                            | Park within 3m of fire hydrant  | \$60.00                               |
| 28   | 205.01.03                            | Park on an inner boulevard  | \$25.00                               |
| 29   | 205.01.04                            | Park on driveway too close to roadway   | \$25.00                               |
| 30   | 205.01.05                            | Park within 1.5m of driveway  | \$25.00                               |
| 31   | 205.01.06                            | Park obstructing driveway   | \$25.00                               |
| 32   | 205.01.07                            | Park so as to block vehicle   | \$25.00                               |
| 33   | 205.01.08                            | Park for sale/display   | \$25.00                               |
| 34   | 205.01.09                            | Park for servicing  | \$25.00                               |
| 35   | 205.01.10                            | Park in loading zone  | \$25.00                               |
| 36   | 205.01.11                            | Park between 2:00 a.m. and 7:00 a.m. during months Nov-March                          | \$40.00                               |

| ITEM | COLUMN 1<br>DESIGNATED<br>PROVISIONS | COLUMN 2<br>SHORT FORM WORDING  | COLUMN 3<br>ADMINISTRATIVE<br>PENALTY |
|------|--------------------------------------|---|---------------------------------------|
| 37   | 205.01.11                            | No parking between 2:00am -6:00am   | \$40.00                               |
| 38   | 205.02.01                            | Park near fire hall where prohibited by sign                                    | \$40.00                               |
| 39   | 205.02.02                            | Park near intersection where prohibited by sign                                 | \$25.00                               |
| 40   | 205.02.03                            | Park near signaled intersection where prohibited by sign                        | \$25.00                               |
| 41   | 205.02.04                            | Park near entrance of public building where prohibited by sign                  | \$25.00                               |
| 42   | 205.02-05                            | Park near driveway where prohibited by sign                                     | \$25.00                               |
| 43   | 205.02.06                            | Park on narrow roadway where prohibited by sign                                 | \$25.00                               |
| 44   | 205.01.12                            | Park as to interfere with the movement of traffic                               | \$50.00                               |
| 45   | 205.02.07                            | Park near cross-walk where prohibited by sign                                   | \$25.00                               |
| 46   | 205.02.08                            | Park so as to interfere with funeral procession where prohibited by sign        | \$25.00                               |
| 47   | 205.02.09                            | Park within turning circle or basin of cul-de-sac where prohibited by sign      | \$25.00                               |
| 48   | 205.02.10                            | Park within 15m of the termination of dead end roadway where prohibited by sign | \$25.00                               |
| 49   | 205.02.11                            | Park where parking temporarily prohibited                                       | \$40.00                               |
| 50   | 205.03                               | Park where prohibited by sign   | \$30.00                               |
| 51   | 205.04                               | Park (trailer/commercial vehicle) where prohibited by sign                      | \$30.00                               |
| 52   | 207.01                               | Park over time limit where prohibited by sign                                   | \$30.00                               |
| 53   | 209.07                               | Parking of heavy vehicle where prohibited                                       | \$75.00                               |
| 54   | 301.02                               | Park where prohibited - public vehicle parking zone                             | \$20.00                               |
| 55   | 301.03                               | Stand where prohibited - public vehicle bus stop                                | \$30.00                               |

| ITEM | COLUMN 1<br>DESIGNATED<br>PROVISIONS | COLUMN 2<br>SHORT FORM WORDING         | COLUMN 3<br>ADMINISTRATIVE<br>PENALTY |
|------|--------------------------------------|--|---------------------------------------|
| 56   | 303.03                               | Stop a mobile canteen where prohibited | \$40.00                               |
| 57   | 304.01                               | Stand at taxi stand                    | \$30.00                               |
| 58   | 305.01                               | Stop to (load/unload) where prohibited | \$40.00                               |
| 59   | 305.02                               | Stop in loading zone                   | \$50.00                               |



**SCHEDULE "B"**

**TOWN OF FORT ERIE ADMINISTRATIVE PENALTY  
BY- LAW NO. 84-2014 DESIGNATED BY-LAW PROVISIONS  
FIRE ROUTE BY-LAW NO. 74-89**

1. For the purposes of Section 3 of this By-law, Column 1 in the following table lists the provisions in the Fire Route By-law No. 74-89, as amended, that are hereby designated for the purposes of 3(1)(b) of the Regulation.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

| ITEM | COLUMN 1<br>DESIGNATED<br>PROVISIONS | COLUMN 2<br>SHORT FORM WORDING | COLUMN 3<br>ADMINISTRATIVE<br>PENALTY |
|------|--------------------------------------|--------------------------------|---------------------------------------|
| 1    | 7                                    | Park in designated fire route  | \$100                                 |

**SCHEDULE "C"**

**TOWN OF FORT ERIE ADMINISTRATIVE PENALTY BY-LAW  
NO. 84-2014 DESIGNATED BY-LAW PROVISIONS  
PARKS AND BEACHES BY-LAW NO. 119-03**

1. For the purposes of Section 3 of this By-law, Column 1 in the following table lists the provisions in the Town of Fort Erie Parks and Beaches By-law No. 119-03, as amended, that are hereby designated for the purposes of 3(1)(b) of the Regulation.

2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.

3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

| ITEM | COLUMN 1<br>DESIGNATED<br>PROVISIONS | COLUMN 2<br>SHORT FORM WORDING                         | COLUMN 3<br>ADMINISTRATIVE<br>PENALTY |
|------|--------------------------------------|--|---------------------------------------|
| 1.   | 3.(a)                                | Park any vehicle for the purpose of hire               | \$50.00                               |
| 2.   | 7.(a)                                | Park vehicle in prohibited area of park or parking lot | \$50.00                               |
| 3.   | 7.(b)                                | Park vehicle during prohibited time                    | \$50.00                               |
| 4.   | 7.(c)                                | Park overweight vehicle on municipal Property          | \$100.00                              |
| 5.   | 7. (f)                               | Fail to pay parking fee                                | \$50.00                               |

**SCHEDULE "D"****TOWN OF FORT ERIE ADMINISTRATIVE PENALTY  
BY-LAW NO. 84-2014 ADMINISTRATIVE FEES**

| <b>ITEM</b>  | <b>FEE</b> |
|--|------------|
| Fee – MTO Search:<br>Each search of the records of the Ministry of Transportation                  | \$ 10.00   |
| Fee – Screening – No-Show<br>Each failure to attend a screening before a Screening Officer         | \$ 50.00   |
| Fee – Appeal Hearing No-Show<br>Each failure to attend hearing before a Hearing Officer            | \$100.00   |
| Fee – Late Payment<br>Each late payment of a parking administrative penalty                        | \$ 15.00   |
| Fee – MTO Plate Denial<br>Each notification to Registrar of Motor Vehicles for plate permit denial | \$ 22.00   |
| Fee – NSF  | \$ 30.00   |

**Note:**

The fees and charges as listed in this Schedule "D" to this By-law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.