

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: June 1, 2021

TO: Committee of the Whole

FROM: Cynthia Moyle, Acting Clerk

SUBJECT: **Part 1 – Provincial Offences Act**
Set Fine Schedule
By-Law No. 07-72, Transient Traders
By-Law No. 19-41, Pool
By-Law No. 21-010, Safe Property

RECOMMENDATION:

THAT the Committee of the Whole directs the Acting Clerk to proceed with Part 1 – Provincial Offences Act, Set Fine Schedule amendments to By-Law No. 07-72 Transient Traders, By-Law No. 19-41 Pool and By-Law No. 21-010 Safe Property.

BACKGROUND:

By-laws are enforced under the *Provincial Offences Act, R.S.O. 1990, c.P.33* (commonly referred to as POA). There are three (3) ways that an officer may lay a charge:

- Part I Offence (tickets) with a set fine amount (general offences for which a Municipality has received consent to issue Certificates of Offence);
- Part II Offence (parking ticket) with a set fine amount; and
- Part III Offence (court) with a penalty, if so determined by a Justice of the Peace.

The POA defines a **set fine** as the amount specified for an offence under section 91.1 by the Chief Justice of the Ontario Court of Justice or by a regional senior judge of that court for the purpose of proceedings under Part I or II.

In order to issue a Part I or II ticket, a municipality must pass a by-law prohibiting the offence and apply to the Chief Justice for approval of the set fine amount. Applications to approve set fines are submitted to the Ministry of the Attorney General for consideration.

The maximum set fine for a Part 1 offence is \$1,000.

DISCUSSION:

Set fines provide three (3) benefits for an effective enforcement program:

- Set fines deter the public from contravening a by-law. Fines should be enough to discourage the public from contravening by-laws, but not so high that it is considered excessive;
- Set fines help to communicate to the public the severity of the offence; and
- Set fines also provide an efficient method for officers to lay a charge.

Without a set fine, the By-Law Enforcement Officer must lay a charge under a Part III offence, schedule a court date, attend court and ask the Justice to assess the situation and determine appropriate penalty, if applicable. Issuing a ticket is a more efficient process for both the By-Law Officer and the accused. The set fine is approved by the Justice.

Staff is seeking to have the set fines for various by-laws. Once approval has been received, the Clerk's Department will amend the various by-laws and attach the schedules.

After final approval, the Clerk's Office will prepare and apply to the Justice for approval.

APPENDIX "A"
THE MUNICIPALITY OF MISSISSIPPI MILLS
TRANSIENT TRADERS BY-LAW No. 07 - 72
PART 1 - PROVINCIAL OFFENCES ACT
SET FINE SCHEDULE

Item	Column 1 Short Form Wording	Column 2 Section Creating Offence	Column 3 Set Fine
1	Sale / offer for sale goods or services - No License	Section 2	\$200
2	Sell / Expose for sale from Motor vehicle – No License	Section 4	\$200
3	Prohibited Yard Sale – More than two per year	Section 7	\$200
4	Hold Yard Sale – Prohibited Time	Section 7	\$200
5	Conduct sales from private property with consent of property owner	Section 9	\$200
6	Fail to post license in a conspicuous place - Premise	Section 24 a)	\$200
7	Fail to Possess License - Person	Section 24 b)	\$200

* Note: The general penalty provision for the offences indicated above is Section 29 of By-law 07 - 72, a certified copy of which has been filed.

APPENDIX "A"
THE MUNICIPALITY OF MISSISSIPPI MILLS

Pool By-law No.19 - 41

PART 1 - PROVINCIAL OFFENCES ACT

SET FINE SCHEDULE

Item	Column 1 Short Form Wording	Column 2 Section Creating Offence	Column 3 Set Fine
1	Fail to construct / maintain pool enclosure	Section 9	\$200
2	Water in Pool - Improper enclosure	Section 10	\$200
3	Owner / agent / occupant Permit Abandoned Pool	Section 11	\$200
4	Construct / Cause to construct pool – No Permit	Section 13	\$500
5	Construct / Cause to construct pool – No Valid Permit	Section 22	\$250
6	Owner / agent fail to notify C.B.O. of the commencement of construction	Section 25	\$200
7	Owner / agent fail to notify C.B.O. prior to use.	Section 26	\$200
8	Improper Pool Enclosure	Section 30 a) to f)	\$200
	Fail to Maintain Pool – Water Stagnant	Section 38	\$200
	Fail to restore / remove stagnant pool water	Section 38	\$200

* Note: The general penalty provision for the offences indicated above is Sections 46 & 47 of By-law 19 - 41, a certified copy of which has been filed.

APPENDIX "A"
THE MUNICIPALITY OF MISSISSIPPI MILLS
SAFE PROPERTIES BY-LAW NO. 21-010
PART 1 - PROVINCIAL OFFENCES ACT
SET FINE SCHEDULE

Item	Column 1 Short Form Wording	Column 2 Section Creating Offence	Column 3 Set Fine
1	Fail to Maintain Property – Refuse/Debris	Section 4 a)	\$200
2	Permit Overgrowth of Vegetation	Section 4 b)	\$200
3	Fail to Maintain Adjacent Property	Section 4 c)	\$200
4	Fail to Maintain Hedge/Shrub/Tree	Section 4 d)	\$200
5	Littering	Section 4 e)	\$200
6	Permit Pest Infestation	Section 4 f)	\$200
7	Prohibited Storage	Section 4 g)	\$200
8	Pool/Hot Tub/Pond – Not Maintained	Section 4 h)	\$200
9	Permit Prohibited Water Discharge	Section 4 i)	\$200
10	Commercial Waste Bin/Dumpster - Overloaded	Section 4 j)	\$200

* Note: The general penalty provision for the offences indicated above is Section 9 of By-law No. 21-010, a certified copy of which has been filed.

FINANCIAL IMPLICATIONS:

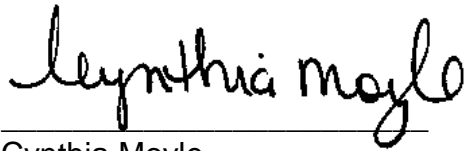
There would be no financial implications with having set fines approved other than the costs of ordering the short forms for the By-Law Enforcement Officer.

SUMMARY:

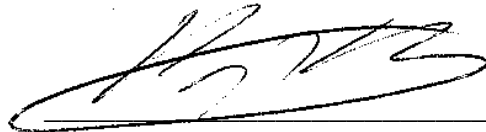
Staff recommendation is to proceed with the Part 1 – Provincial Offences Act, Set Fine Schedule amendments to the various by-laws.

Respectfully submitted by,

Reviewed by:



Cynthia Moyle,
Acting Clerk



Ken Kelly,
Chief Administrative Officer

ATTACHMENTS:

1. By-Law No. 07-72, Transient Traders
2. By-Law No. 19-41, Pool
3. By-Law No. 21-010, Safe Property