

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO. 4263(2020)

**Being a by-law to amend by-law No. 4202(2020) known as the
Town of Pelham Odorous Industries Nuisance By-law to
incorporate an Administrative Monetary Penalty System (AMPS)
in regard to Offences and Penalties**

WHEREAS subsection 434.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*; and

WHEREAS subsection 434.1(2) of the *Municipal Act, 2001* provides that the purpose of a system of administrative penalties established by a municipality under section 434.1 shall be to assist the municipality in promoting compliance with its by-laws; and

WHEREAS subsection 434.1(4) of the *Municipal Act, 2001* provides that if a person is required to pay an administrative penalty in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention; and

WHEREAS subsection 434.2(1) of the *Municipal Act, 2001* provides that an administrative penalty imposed by a municipality on a person under section 434.1 constitutes a debt of the person to the municipality; and

WHEREAS the Council of the Corporation of the Town of Pelham considers it desirable to have the option to enforce and seek compliance with the Town of Pelham Odorous Industries Nuisance By-law through an administrative municipal penalty system; and

WHEREAS section 425 of the *Municipal Act, 2001* permits a municipality to pass by-laws providing that any person who contravenes any by-law of the municipality is guilty of an offence;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

THAT the following be inserted into By-law No. 4202(2020) immediately after Section 9 and that the subsequent sections be renumbered accordingly:

ADMINISTRATIVE PENALTY

10. Administrative Monetary Penalty System By-law No. 4221(2020), applies to each administrative penalty issued pursuant to this By-law.

11. Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Monetary Penalty System By-law No. 4221(2020), be

liable to pay to the Town an administrative penalty in the amount of \$250 for each day on which the contravention occurs or continues.

COMMENCEMENT

- (1) This By-law shall be effective as of the date it is passed by Council.

READ, ENACTED, SIGNED AND SEALED THIS 27th DAY OF JULY, 2020

Mayor, Marvin Junkin

Nancy J. Bozzato, Town Clerk