



The Corporation of the Town of Pelham

By-law No. 70-2023

Being a By-law to amend various by-laws designated under By-law No. 68-2023, being the Administrative Penalty Process By-law for Non-Parking By-laws, and various by-laws designated under By-law No. 69-2023, being the Administrative Penalty Process By-law for Traffic and Parking By-laws.

WHEREAS sections 102.1 and 434.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 and Ontario Regulation 333/07 authorize a municipality to establish a system of administrative penalties to promote compliance with designated by-laws of the municipality or portions of such designated by-laws;

AND WHEREAS the Council of the Corporation of the Town of Pelham has enacted By-law No. 68-2023 and By-law No. 69-2023 to establish a system of administrative penalties to promote compliance with by-laws designated thereunder;

AND WHEREAS the enactment of By-law No. 68-2023 and By-law No. 69-2023 necessitates consequential amendments to various by-laws designated thereunder;

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

1. Amendments to Designated Non-Parking By-laws

1.1. Animals at Large By-law No. 2174(2000) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
4 b)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
4 c)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.2. Backyard Hens By-law No. 44(2023) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
2.1	“Administrative Monetary Penalty” means a monetary penalty issued pursuant to Town By-law No. 68-2023, as amended from time to time.
6.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
6.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.3. Business Licensing By-law No. 3186(2011) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
13.1(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
13.1(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.4. Clean Yards By-law No. 4496(2022) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
2.1	“Administrative Monetary Penalty” means a monetary penalty issued pursuant to Town By-law No. 68-2023, as amended from time to time.
9.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
9.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.5. Depositing of Snow or Ice on Highways By-law No. 3013(2008) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
(8)a.	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
(8)b.	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.6. Dog Control By-law No. 97-2010 is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
12.1(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
12.1(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.7. Dogs an Annoyance or Nuisance By-law No. 1450(1992) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
(2.1) a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
(2.1) b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.8. Environmental Protection By-law No. 3352(2013) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
23(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
23(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.9. Exotic Pet By-law No. 3448(2013) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
10.9 a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
10.9 b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.10. Fence Bylaw No. 4157(2019) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
21.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
21.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.11. Fireworks By-law No. 2951(2008) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
10.2(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.

10.2(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.
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- 1.12. Fortification of Land By-law No. 4158(2019) is amended by adding the following sections:

Section	Provision
25.1	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
25.2	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.13. Liquor in Recreational Areas By-law No. 1583(1993) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
5.1	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
5.2	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.14. Noise By-law No. 4454(2022) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
10.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
10.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.15. Nuisance By-law No. 4253 (2020) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
5.1	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
5.2	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.16. Odorous Industries Nuisance By-law No. 4202(2020) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
10	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
11	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.17. Open Air Burning By-law No. 4223(2020) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
4.5(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
4.5(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.18. Parks and Facilities By-law No. 1608(1993) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
12.1	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
12.2	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.19. Property Standards By-law No. 2025(1998) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
6.2 a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
6.2 b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.20. Short-Term Accommodation Licensing By-law No. 4257(2020) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
11(1)	A Municipal Law Enforcement Officer who is satisfied that a person has contravened any provision of this By-law may issue a penalty notice under Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 in respect of each such contravention.

11(2)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
11(3)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.21. Sign By-law No. 48-2023 is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
2.1	"Administrative Monetary Penalty" means a monetary penalty issued pursuant to Town By-law No. 68-2023, as amended from time to time.
10.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
10.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.22. Skateboarding By-law No. 3424(2013) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
7.2 a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
7.2 b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 1.23. Swimming Pool and Hot Tub By-law No. 60-2023 is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
2.1	"Administrative Monetary Penalty" means a monetary penalty issued pursuant to Town By-law No. 68-2023, as amended from time to time.
9.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
9.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

2. Amendments to Designated Traffic and Parking By-laws

- 2.1. Traffic and Parking By-law No. 89-2000 is amended by repealing and replacing various sections as follows:

Section	Replacement Provision
205.01.14	While failing to display a current licence plate.
1001.02.01	Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 applies to each administrative penalty issued pursuant to this By-law.
1001.02.02	Every Person who contravenes any provision of this By-law listed in Schedule "A" to the Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 shall, upon issuance of a penalty notice in accordance with that By-law, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 2.2. Traffic and Parking By-law No. 89-2000 is amended by adding the following section:

Section	Provision
1001.02.03	For greater certainty, both the driver and the owner of a vehicle are liable to the penalties prescribed by sections 1001.02.01 and 1001.02.02 of this By-law unless, at the time of the By-law contravention, the vehicle was in the possession of a person other than the owner without the consent of the owner.

- 2.3. Handicapped Parking By-law No. 97-2020 is amended by repealing and replacing various sections as follows:

Section	Replacement Provision
1	The short title of this By-law is the "Accessible Parking By-law".
12	Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 applies to each administrative penalty issued pursuant to this By-law.
13	Every Person who contravenes any provision of this By-law listed in Schedule "A" to the Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 shall, upon issuance of a penalty notice in accordance with that By-law, be liable to pay to the Town an administrative penalty in accordance with that By-law.

- 2.4. Handicapped Parking By-law No. 97-2020 is amended by adding the following section:

Section	Provision
13.1	For greater certainty, both the driver and the owner of a vehicle are liable to the penalties prescribed by sections 12 and 13 of this By-law unless, at the time of the By-law contravention, the vehicle was in the possession of a person other than the owner without the consent of the owner.

- 2.5. Fire Route By-law No. 4462(2022) is amended by repealing and replacing various sections as follows:

Section	Replacement Provision
5.2	Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 applies to each administrative penalty issued pursuant to this By-law.
5.3	Every Person who contravenes any provision of this By-law listed in Schedule "A" to the Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 shall,

	upon issuance of a penalty notice in accordance with that By-law, be liable to pay to the Town an administrative penalty in accordance with that By-law.
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2.6. Town Property Parking By-law No. 4483(2022) is amended by repealing and replacing various sections as follows:

Section	Replacement Provision
4.8	No Person shall Park or leave a Motor Vehicle at any Town facility other than Town Hall or permit a Motor Vehicle to be Parked or left at any Town facility other than Town Hall when the Town facility is closed or without paying any applicable Parking fee.
7.3	Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 applies to each administrative penalty issued pursuant to this By-law.
7.4	Every Person who contravenes any provision of this By-law listed in Schedule "A" to the Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 shall, upon issuance of a penalty notice in accordance with that By-law, be liable to pay to the Town an administrative penalty in accordance with that By-law.

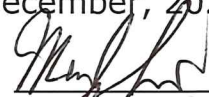
3. General

- 3.1. The short title of this By-law is the "Administrative Penalty System Consequential Amendment By-law".
- 3.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 3.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 3.4. This By-law shall be read with all changes in number or gender as are required by context.
- 3.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 3.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.


4. Effective Date

- 4.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 20th day of December, 2023.



 Marvin Junkin, Mayor



 William Tigert, Town Clerk