

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NO. 8290

A By-Law for the appointment of screening officers and hearing officers to adjudicate reviews and appeals of administrative penalties

Whereas section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the "*Municipal Act, 2001*") a municipality may require a person to pay an administrative penalty for failing to comply with any by-laws respecting the parking, standing or stopping of vehicles;

And whereas any by-law that establishes a system of administrative penalties with respect to parking, standing or stopping of vehicles must comply with the requirements set out in O. Reg. 333/07 (the "Regulation"), as amended, made pursuant to the *Municipal Act, 2001*;

And whereas under section 8 of the Regulation, a person who receives a penalty notice shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality;

And whereas under section 8 of the Regulation, a person who receives a Screening Officer decision shall have the right to request a review of the Screening Officer's decision by a Hearing Officer appointed by the municipality;

And whereas the Council for the Town considers it desirable and necessary to establish the position of a Screening Officer and a Hearing Officer which are required for the operation of the Town's administrative monetary penalty system;

Now therefore the Council of the Corporation of the Town of LaSalle enacts as follows:

1.0 Short Title

1.1 This By-law shall be known and cited as the "Screening and Hearing Officer By-law."

2.0 Definitions

2.1 In this By-law:

(a) "**Administrative Penalty**" means an administrative penalty established by the AMPS By-law;

(b) "**AMPS**" means a system of administrative monetary penalties;

- (c) **"AMPS By-law"** means the Town's By-law No. 8289, the Administrative Penalty By-law, as amended, or its successor, being a by-law to establish an AMPS;
- (d) **"C.A.O."** means the person from time to time occupying the office of the Chief Administrative Officer of the Corporation of the Town of LaSalle, or such successor office as the case may be, and includes any individual who has been delegated to act in his or her place under this By-law;
- (e) **"Council"** means the Council of the Town;
- (f) **"Hearing Officer"** means a person appointed from time to time in accordance with section 4.3 of this by-law to perform the functions of a Hearing Officer in accordance with Part 4 of this By-law;
- (g) **"Officer"** means:
 - (i) any individual appointed by a Town by-law, or pursuant to the delegated authority to appoint under a Town by-law, to enforce a Town by-law; or
 - (ii) A police officer employed by LaSalle Police Services, Ontario Provincial Police or the Royal Canadian Mounted Police;
- (h) **"Person"** includes an individual, corporation, partnership, or limited partnership, or an authorized representative thereof;
- (i) **"Power of Decision"** means a power or right conferred by or under this By-law and the AMPS By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person:
 - (i) in the case of a Screening Officer, in respect of a request to review a Penalty Notice;
 - (ii) in the case of a Hearing Officer, in respect of a review of a Screening Decision.
- (j) **"Regulation"** means Ontario Regulation 333/07, as amended, under the Municipal Act;
- (k) **"Relative"** includes any of the following persons:
 - (i) spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
 - (ii) Parent or legal guardian;

- (iii) child, including a step-child and grandchild;
 - (iv) siblings and children of siblings;
 - (v) aunt, uncle, niece and nephew;
 - (vi) in-laws, including mother, father, sister, brother, daughter and son; or
 - (vii) any person, including any dependent, who lives with the person on a permanent basis.
- (l) **"Screening Decision"** means a notice which contains the decision of a Screening Officer;
 - (m) **"Screening Officer"** means a person appointed from time to time by the C.A.O. to perform the functions of a Screening Officer pursuant to Part 3 of this By-law;
 - (n) **"Spouse"** means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage; and,
 - (o) **"Town"** means the Corporation of the Town of LaSalle.

3.0 Screening Officer

- 3.1** The position of Screening Officer is established for the purpose of exercising the Power of Decision in the Screening review of an Administrative Penalty as set out in the AMPS By-law.
- 3.2** The Screening Officer shall have all the powers of review by a Screening Officer as set out in the AMPS By-law and the Regulation.
- 3.3** A Screening Officer shall be appointed by the C.A.O. for such period and subject to such terms and conditions as may be determined by the C.A.O..
- 3.4** A Screening Officer has no authority 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.

4.0 Hearing Officer

- 4.1** The position of Hearing Officer is established for the purpose of exercising the Power of Decision in a review of a Screening Decision as set out in the AMPS By-law.
- 4.2** The Hearing Officer shall have all the powers of Review by a Hearing Officer as set out in the AMPS By-law and the Regulation.

4.3 A Hearing Officer shall be appointed by Council on such terms and conditions as determined by Council.

4.4 A Hearing Officer has no authority 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.

5.0 General

5.1 The following persons are not eligible for appointment as a Screening Officer or a Hearing Officer:

- (a) a Member of Council;
- (b) a Relative of a Member of Council;
- (c) an Officer;
- (d) in the case of a Hearing Officer, an employee of the Town; or
- (e) a person indebted to the Town other than:
 - (i) in respect of current real property taxes; or
 - (ii) pursuant to an agreement with the Town, where the person is in compliance with the terms thereof.

5.2 A Screening Officer and a Hearing Officer shall have no authority to delegate her or his powers or duties.

6.0 Severability

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

7.0 Interpretation

7.1 The provisions in Part VI of the *Legislation Act, 2006*, S.O. 2006, c.21, Sched. F, shall apply to this By-law.

8.0 Effective Date

8.1 This By-law shall come into force and effect on the day it is passed.

Read a first and second time and finally passed this 26th day of March, 2019.

1st Reading – March 26, 2019

Mayor

2nd Reading – March 26, 2019

3rd Reading – March 26, 2019

Clerk