

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS
BY-LAW NO. 24-021

BEING a by-law to impose administrative monetary penalties for violations of municipal by-laws,

WHEREAS the Municipal Act, 2001, as amended, permits municipalities to enact by-laws under the category of “broad powers” relating to the health, safety and well-being of residents of Mississippi Mills, and under the category of “spheres of jurisdiction” namely highways, including parking and traffic on municipal highways,

AND WHEREAS the Council of the Corporation of the Municipality of Mississippi Mills considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated Municipal by-laws or portions of a designated Municipal by-law,

AND WHEREAS Section 434.1 (1) of the Municipal Act, 2001, provides that without limiting sections 9, 10 and 11, a municipality may require a person 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 this Act,

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills enact as follows:

DEFINITIONS:

“CAO” - shall mean the Chief Administrative Officer or their designate.

“Screening Officer” - shall mean the Clerk or their designate.

“Hearing Officer” - shall be an impartial person outside of the organization and shall be appointed by the CAO when required.

1. By-laws subject to Administrative Monetary Penalty

1.1. Any and all schedules attached and forming part of this by-law shall be subject to penalties as outlined in Section 1.2 below.

1.2. Any person who contravenes a provision of any By-law listed in Schedule “A” is liable to pay an Administrative Monetary Penalty in an amount as outlined in the relevant schedule(s) to this by-law, in accordance with this By-law, provided that an offence notice under the Provincial Offences Act has not been issued for the same person for the same offence on the same day.

2. Administrative Monetary Penalty Notice

- 2.1. Subject to section 3, each Person who contravenes a provision of a by-law listed in Schedule “A” of this By-law shall, if given an Administrative Monetary Penalty Notice (hereinafter referred to as “Penalty Notice”), be liable to pay to the Municipality of Mississippi Mills (hereinafter the “Municipality”) an Administrative Penalty as outlined in the relevant schedule(s) to this By-law.
- 2.2. Any person appointed to enforce this By-law (hereinafter an “Officer”) who has reasonable grounds to believe that a person has contravened a provision of any by-law listed in Schedule “A” of this By-law may give to the person a Penalty Notice.
- 2.3. The Penalty Notice shall be given to the person as soon as is reasonably practicable after the contravention has occurred and shall include the following information:
 - 2.3.1. the date the Penalty Notice is given;
 - 2.3.2. a reference number that is unique to that Penalty Notice;
 - 2.3.3. particulars of the contravention, including the date and location of the contravention, and the person(s) to whom the Penalty Notice is being given;
 - 2.3.4. the monetary amount of the Administrative Penalty;
 - 2.3.5. such information as the CAO 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
 - 2.3.6. 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 Municipality.
- 2.4. A person who is given a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer pursuant to section 3.

3. Review by Screening Officer

- 3.1. Section 3 applies to reviews of an Administrative Penalty by a Screening Officer.
- 3.2. A person’s right to request a review expires if it has not been exercised in the manner prescribed in section 3.6 before 4:30 p.m. on the fifteenth (15th) day after the Penalty Notice is deemed to have been received pursuant to section 5.
- 3.3. 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 section 3.6 before 4:30

p.m on the tenth (10th) day after the date the Penalty Notice is deemed to have been received pursuant to section 5.

3.4. If no request for review is received on or before the fifteenth (15th) day after the Penalty Notice is deemed to have been received pursuant to section 5 or the extension granted pursuant to this By-law:

- 3.4.1. the person shall be deemed to have waived the right to request a review;
- 3.4.2. the Administrative Penalty shall be deemed to be affirmed; and
- 3.4.3. the Administrative Penalty shall not be subject to review, including review by any Court.

3.5. No extension granted under this section will extend beyond the thirtieth (30th) day after the date receipt of the Penalty Notice is deemed to have occurred pursuant to section 5.

3.6. A person's rights to request a review and/or to request an extension of time to request a review are exercised by giving to the Municipality written notice of such request(s) that includes:

- 3.6.1. the Penalty Notice Number;
- 3.6.2. the person's mailing address and, if applicable, facsimile transmission number and/or e-mail address;
- 3.6.3. 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 limited by section 3.2; and
- 3.6.4. in the case of a request to review, the particulars of all grounds upon which the request to review is based and any submissions in support of the request.

3.7. The Screening Officer shall undertake the review upon receipt of the request for review and may request further information from the person requesting the review as needed, and any time limit for the review may be adjusted in the Screening Officer's sole discretion.

3.8. The Screening Officer may:

- 3.8.1. receive submissions from the Officer who issued the Penalty Notice under review; and
- 3.8.2. cancel the Administrative Penalty, reduce the Administrative Penalty or extend the time for payment of the Administrative Penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of this By-law and that:

- 3.8.2.1. there is reason to doubt that the person contravened this By- law; or that
 - 3.8.2.2. the person took all reasonable steps to prevent the contravention; or that
 - 3.8.2.3. the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
- 3.9. The Screening Decision shall be given to the person in writing as soon as is reasonably practicable.
- 3.10. The person may appeal to a Hearings Officer against the Screening Decision pursuant to section 4.

4. Appeal to Hearings Officer

- 4.1. Section 4 applies to appeals to a Hearings Officer against Screening Decisions.
- 4.2. The right to appeal is limited to the following persons:
- 4.2.1. a person who has been given a Screening Decision; or
 - 4.2.2. the CAO.
- 4.3. A Person's right to appeal expires if it has not been exercised in the manner prescribed in section 4.7 before 4:30 p.m. on the fifteenth (15th) day after the Screening Decision Date.
- 4.4. 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 section 4.7 before 4:30 p.m. on the tenth (10th) day after the Screening Decision Date.
- 4.5. If no request for review is received on or before the fifteenth (15th) day after the Penalty Notice is deemed to have been received pursuant to Section 5 or the extension granted pursuant to the By-law at which time:
- 4.5.1. the person shall be deemed to have waived the right to appeal;
 - 4.5.2. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed; and
 - 4.5.3. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall not be subject to review, including review by any Court.
- 4.6. No extension granted under this section will extend beyond the Thirtieth (30th) day after the Screening date.

- 4.7. A right to appeal is exercised by giving to the Municipality written notice of the appeal that includes:
 - 4.7.1. the Penalty Notice Number;
 - 4.7.2. the person's mailing address and, if applicable, facsimile transmission number and/or e-mail address;
 - 4.7.3. 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 limited by section 4.3; and
 - 4.7.4. particulars of all grounds upon which the appeal is made.
- 4.8. The person shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
- 4.9. Where the Person fails to appear at the time and place scheduled for a hearing of the appeal:
 - 4.9.1. the Person shall be deemed to have abandoned the appeal;
 - 4.9.2. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed;
 - 4.9.3. the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall not be subject to review, including review by any Court; and
 - 4.9.4. the person shall pay to the Municipality an additional Fee for failure to appear in the amount of \$100.
- 4.10. Except in the case of a person who is deemed to have abandoned their appeal, a Hearings Officer shall not make any decision respecting an appeal unless the Hearings Officer has given each person, the CAO 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.
- 4.11. Subject to sections 4.4, 4.5, 4.9 and 4.10, a Hearings Officer may:
 - 4.11.1. extend the time to request an appeal; and may
 - 4.11.2. make any decision that the Screening Officer could have made pursuant to this By-law.
- 4.12. The decision of a Hearings Officer is final and not subject to review including review by any Court.

5. Notice

5.1. Subject to section 5.3, any notice or document respecting this By-law, including the Penalty Notice, may be given in writing in any of the following ways and is effective:

- 5.1.1. when a copy is placed on or affixed in any manner to a Person's vehicle, home or property;
- 5.1.2. when a copy is delivered to the person to whom it is addressed;
- 5.1.3. on the third (3rd) day after a copy is sent by registered mail or by regular mail to the person's last known address;
- 5.1.4. upon the conclusion of the transmission of a copy by facsimile transmission to the person's last known facsimile transmission number; or
- 5.1.5. 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.

5.2. For the purpose of section 5.1, a person's last known address, last known facsimile transmission number and last known e-mail address are those on record with the Municipality for any reason and are deemed to include those provided by the person pursuant to paragraphs 3.6.2 and 4.7.2.

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

- 5.3.1. when a copy is delivered to the By-law Lead Hand of the Municipality during regular business hours at its reception area, at 14 Bridge Street, Almonte, Ontario;
- 5.3.2. on the third (3rd) day after a copy is sent by registered mail or by regular lettermail to "Administrative Penalties, Municipality of Mississippi Mills, c/o By-law Lead Hand, 14 Bridge St., Ontario, K0A 1A0"; or
- 5.3.3. upon the conclusion of the transmission of a copy by facsimile transmission to 613-256-4887.

6. Financial Administration

6.1. No Officer who gives a Penalty Notice may accept payment of the Administrative Penalty respecting that Penalty Notice.

6.2. 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 Municipality of each person to whom or to which the Penalty Notice was given.

6.3. The Municipality may add to the Tax roll of any person who fails to pay an Administrative Penalty the amount of the Administrative Penalty, including any

additional penalties imposed under this By-law, and collect all amounts in the same manner as municipal taxes.

6.4. Where a person has paid an Administrative Penalty or an administrative fee that is then cancelled or reduced pursuant to this By-law, the Municipality shall refund the amount cancelled or reduced.

6.5. Where an Administrative Penalty or any administrative fees respecting that Administrative Penalty are not paid within fifteen (15) days after the date that they become due and payable, each person to whom the Penalty Notice was given shall pay to the Municipality an additional Fee for late payment in an amount of \$50.

7. General

7.1. The CAO may appoint Screening Officers and Hearings Officers on such terms as the CAO considers appropriate.

7.2. Nothing in this By-law limits the Municipality's right to enforce this By-law by any other legal means or to use any other process of enforcement available under law.

THAT This By-law shall come into force and take effect on the day of its passing.

BY-LAW read, passed, signed and sealed in open Council this 23 day of April, 2024.

Christa Lowry, Mayor

Jeanne Harfield, Clerk

Schedule A

List of By-laws

1. Municipality of Mississippi Mills, By-law 18-92 Sewer Use By-law, a by-law to regulate the use of sewers within the Municipality of Mississippi Mills.
2. Municipality of Mississippi Mills, By-law 24-xxx Protection of Lot Grading and Drainage Features, a by-law to regulate the alteration of drainage features and the grading and drainage of land.

**Schedule B
Administrative Monetary Penalties Fees**

By-Law No. 18-92 Sewer Use By-law, a by-law to regulate the use of sewers within the Municipality of Mississippi Mills				
By-law Section	Short Wording	Penalty Amount 1st Offence	Penalty Amount 2nd Offence	Penalty Amount 3rd Offence
s. 2.1(c)	Discharged hauled wastewater to the wastewater works without agreement	\$500.00	\$750.00	\$1,125.00
s. 2.1(c)	Discharged hauled waste to the sanitary or combined sewer without agreement	\$500.00	\$750.00	\$1,125.00
s. 2.3	Discharge restricted substance with a pH less than 6.0 or greater than 9.5 to a sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
s. 2.3	Discharge restricted substance with a temperature greater than 60 degrees Celsius to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
s. 3.1(c)	Discharge matter that may damage a storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.1(a)	Discharge matter that may interfere with proper operations of a storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.1(b)	Discharge matter that may obstruct or restrict the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(a)(1)	Discharge matter with a temperature greater than 40 degrees Celsius	\$500.00	\$750.00	\$1,125.00
s. 3.3(a)(2)	Discharge matter with a pH less than 6.0 or greater than 9.0 to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(a)(3)	Discharge matter with a visible film to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(a)(3)	Discharge matter with a sheen to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(a)(3)	Discharge solvent extractable matter of animal or vegetable origin to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(a)(4)	Discharge matter with two or more separate layers to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(a)(2)	Discharge wastewater to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(a)(3)	Discharge blowdown water to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(a)(4)	Discharge material from a groundwater remediation system to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(b)(5)	Discharge automotive or machine oils and grease to the storm sewer	\$500.00	\$750.00	\$1,125.00

s. 3.3(b)(6)	Discharge organic solvents to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(b)(6)	Discharge paint to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(b)(12)	Discharge combustible liquids to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(b)(13)	Discharge floating debris to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(b)(14)	Discharge fuel to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(b)(19)	Discharge pesticides to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 3.3(b)(22)	Discharge contaminants from an industrial process to the storm sewer	\$500.00	\$750.00	\$1,125.00
s. 4.2	Add matter to discharge for the purpose of dilution	\$500.00	\$750.00	\$1,125.00
s. 6.1	Fail to complete monitoring of a discharge to a wastewater works	\$500.00	\$750.00	\$1,125.00
s. 6.1	Fail to complete sampling of a discharge to a wastewater works	\$500.00	\$750.00	\$1,125.00
s. 9.1	Fail to install an interceptor for oil and grease	\$500.00	\$750.00	\$1,125.00
s. 9.2	Fail to install an interceptor for oil and lubricating grease	\$500.00	\$750.00	\$1,125.00
s. 9.3	Fail to install an interceptor for sediment	\$500.00	\$750.00	\$1,125.00
s. 9.5	Fail to maintain an interceptor	\$500.00	\$750.00	\$1,125.00
s. 9.6	Fail to produce maintenance records for the interceptor	\$500.00	\$750.00	\$1,125.00
s. 11.1(c)	Dispose hauled wastewater to the wastewater works without a valid Hauled Wastewater Discharge Agreement	\$500.00	\$750.00	\$1,125.00
s. 11.1(d)	Fail to comply with all conditions of Hauled Wastewater Discharge Agreement	\$500.00	\$750.00	\$1,125.00
s. 11.2(b)	Fail to submit accurately completed manifest at time of discharge of hauled wastewater	\$500.00	\$750.00	\$1,125.00
s. 12.1(d)	Dispose hauled waste to the wastewater works without a valid Hauled Waste Discharge Agreement	\$500.00	\$750.00	\$1,125.00
s. 12.1(e)	Fail to comply with all conditions of Hauled Waste Discharge Agreement	\$500.00	\$750.00	\$1,125.00
s. 12.2(b)	Fail to submit accurately completed manifest at time of discharge of hauled waste	\$500.00	\$750.00	\$1,125.00
s. 13.1	Unlawfully discharge non-contact cooling water to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00

s. 15.1(b)(i)	Fail to immediately notify the Municipality with regard to a spill to a wastewater works and/or storm sewer works	\$500.00	\$750.00	\$1,125.00
s. 15.2	Fail to provide a spill report to the Municipality within 5 working days after a spill	\$500.00	\$750.00	\$1,125.00
s. 15.3	Fail to contain a spill	\$500.00	\$750.00	\$1,125.00
s. 15.3	Fail to clean up a spill and associated residue	\$500.00	\$750.00	\$1,125.00
s. 16.2	Hinder or prevent the Municipality from carrying out any of his/her powers or duties	\$500.00	\$750.00	\$1,125.00
s. 18	Damage or permit damage to a device installed in a wastewater works	\$500.00	\$750.00	\$1,125.00
s. 18	Tamper with a device installed in a wastewater works	\$500.00	\$750.00	\$1,125.00
s. 19.1	Fail to install a monitoring access point	\$500.00	\$750.00	\$1,125.00
s. 19.1	Fail to install an alternative device	\$500.00	\$750.00	\$1,125.00
s. 19.3	Fail to maintain a monitoring access point	\$500.00	\$750.00	\$1,125.00
s. 19.4	Fail to ensure a manhole is accessible at all times	\$500.00	\$750.00	\$1,125.00
s. 20.6	Fail to submit a compliance program progress report within 14 days of scheduled completion date	\$500.00	\$750.00	\$1,125.00
Sched. A,1,a	Discharge wastewater that may result in a health or safety hazard	\$500.00	\$750.00	\$1,125.00
Sched. A,1,f	Discharge wastewater that may result in an offensive odour to emanate from wastewater works	\$500.00	\$750.00	\$1,125.00
Sched. A,1,g	Discharge wastewater that may result in damage to the wastewater works	\$500.00	\$750.00	\$1,125.00
Sched. A,1,h	Discharge wastewater that may result in an obstruction in the wastewater works	\$500.00	\$750.00	\$1,125.00
Sched. A,1,i,iii	Discharge wastewater that results in a reading on an explosion hazard meter of two parts per million atmospheric hydrogen sulphide or greater	\$500.00	\$750.00	\$1,125.00
Sched. A,2	Discharge wastewater with two or more separate liquid layers to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,a	Discharge hazardous industrial waste to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,b	Discharge hazardous waste chemicals to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,c	Discharge wastewater that contained combustible liquid to the sanitary or combined sewer S	\$500.00	\$750.00	\$1,125.00

Sched. A,3,g	Discharge wastewater that contained fuel to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,j	Discharge leachate to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,k	Discharge ignitable waste to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,n	Discharge pesticides to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,s	Unlawfully discharge stormwater to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,s	Unlawfully discharge water from drainage to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,s	Unlawfully discharge water from a watercourse to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,s	Unlawfully discharge uncontaminated water to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
Sched. A,3,t	Unlawfully discharge sewage containing water from a source other than the Municipal water supply to the sanitary or combined sewer	\$500.00	\$750.00	\$1,125.00
	Continued failure to remedy an order. (AMP may be issued once in every seven-day period when compliance is not achieved by prescribed date)	\$500.00		
	Administrative Penalty Fee – Failing to pay the AMP by the date on which it is due.	\$50.00		
	Administrative Penalty Fee – Failing to appear for a hearing before the Hearings Officer.	\$100.00		
	Screening Officer Appeal Fee	\$50.00		
	Hearing Officer Appeal Fee	\$200.00		

By-Law No. 24-020 New Protection of Lot Grading and Drainage Features, a by-law to regulate the alteration of drainage features and the grading and drainage of land By-law Grading

By-law Section	Short Wording	Penalty Amount 1st Offence	Penalty Amount 2nd Offence	Penalty Amount 3rd Offence
3.1.1	Cause or permit the modification, change, or damage to a drainage feature (1 st offence)	\$200.00	\$300.00	\$450.00
3.1.2	Cause or permit the filling in of a drainage feature (1 st offence)	\$500.00	\$750.00	\$1125.00
3.1.3	Cause or permit the construction of a structure within or over a drainage feature (1 st offence)	\$500.00	\$750.00	\$1125.00
3.1.4	Cause or permit an object to be permanently placed within a drainage feature (1 st offence)	\$200.00	\$300.00	\$450.00
3.2.5	Change the grade of land such that water pooling is recurrent or permanent (1 st offence)	\$200.00	\$300.00	\$450.00
3.2.6	Change the grade of land such that Overland flow is redirected to adjacent properties (1 st offence)	\$350.00	\$525.00	\$787.00
3.2.7	Change the grade of land such that soil erosion occurs (1 st offence)	\$200.00	\$300.00	\$450.00
	Continued failure to remedy an order. (AMP may be issued once in every seven-day period when compliance is not achieved by prescribed date)	\$500.00		
	Administrative Penalty Fee – Failing to pay the AMP by the date on which it is due.	\$50.00		
	Administrative Penalty Fee – Failing to appear for a hearing before the Hearings Officer.	\$100.00		
	Screening Officer Appeal Fee	\$50.00		
	Hearing Officer Appeal Fee	\$200.00		