



The Corporation of the Town of Milton

Report To: Council

From: Meaghen Reid, Director, Legislative & Legal Services/Town Clerk

Date: July 15, 2024

Report No: CORS-024-24

Subject: Administrative Penalty System (APS) Program Expansion – By-law for Consideration

Recommendation: **THAT the necessary by-law, included on the July 15, 2024 Council Meeting agenda, be considered for approval.**

EXECUTIVE SUMMARY

The purpose of this report is to obtain Council approval of the Administrative Penalty System (APS) By-law, following recent public consultation, in order to proceed with the expansion of the APS program.

REPORT

Background

During the March 25th, 2024 meeting through Staff Report CORS-011-24, Council approved staff recommendation to proceed with the expansion of the Town's APS program and bring forward the necessary by-law for consideration at a future Council meeting, following consultation on the draft proposed by-law.

Discussion

As noted within previous Staff Report CORS-011-24, the expansion of the Town's APS program to include regulatory by-laws would allow for the opportunity to better manage disputes in a more-timely and effective manner, while also encouraging compliance with municipal legislation.

Recently, the Town has conducted a Citizen Engagement Survey to obtain community response to the expansion of APS program for resolution of all municipal regulatory by-laws.

Using the Town's digital platform Let's Talk Milton, the survey was open for comment from April 1, 2024 to May 1, 2024. Engagement efforts resulted in 235 project page visits and 103 informed participants, 89 visitors and 14 comments. These comments are attached in Schedule B to this report.

Discussion

The feedback on this by-law included supportive comments for expanding the APS program to reduce the strain on the court system and to help achieve compliance with Town by-laws in the community.

With respect to concerns received during this consultation process, staff have reviewed these comments and can provide the following response:

- 1) Regarding concerns about the municipal authority to implement the APS program, the *Municipal Act, 2001, as amended*, gives municipalities the ability to establish an administrative penalty system to assist in promoting compliance with municipal by-laws.
- 2) Regarding concerns about a municipal conflict of interest, the Town has adopted a No Interference Policy with the adopted of the Administrative Penalties System. This policy prohibits Town staff, Members of Council or the Mayor to get involved in any dispute matters, in order to protect the independence of the process and the decisions of the Screening and Hearing Officers in upholding the by-law regulations of the Town. In addition, the Town has adopted a Code of Conduct for Members of Council and rules have been established for Members of Council by the Province within the *Municipal Conflict of Interest Act, 1990, as amended*.

Through Staff Report CORS 011- 24, staff introduced the key features of the draft non-parking APS by-law, which included penalties for non-compliance, penalty amounts, provisions to address continued contraventions and means for a penalty reduction when through the Screening review process. The APS Non-Parking By-law attached to this report as Schedule A, and included on the July 15, 2024 Council meeting agenda, outlines the notable changes made to the draft by-law.

Financial Impact

There is no financial impact resulting from this report. Financial impacts for the implementation of the APS Expansion have been provided in Staff Report CORS-011-24.

Respectfully submitted,

Kristene Scott
Commissioner, Corporate Services

For questions, please contact: Mary Beth Mitchell, Manager, Phone: Ext. 2133
Licensing and Enforcement



Attachments

Schedule A: Draft Administrative Penalty System Non-Parking By-law

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.