

The Corporation of the Township of Centre Wellington

By-law 2025-50

A By-law to establish the positions of Screening Officers and Hearing Officers for the purposes of the Township's Administrative Monetary Penalties System

Whereas Sections 8, 9 and 11 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, hereinafter referred to as the "*Municipal Act*" authorizes the municipality to pass By-laws necessary or desirable for municipal purposes; and

Whereas Sections 23.1, 23.2 and 23.5 of the *Municipal Act* authorizes the municipality to delegate its administrative and hearing powers; and

Whereas Council has established an Administrative Monetary Penalties System;

Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

1. Short Title

1.1 This By-law may be referred to as the "AMPS Screening Officer and Hearing Officer By-law";

2. Definitions

2.1 For the purposes of this By-law:

"Administrative Penalty" means an administrative monetary penalty as set out in the Township's Administrative Monetary Penalties By-laws;

"Clerk" means the Clerk for the Township of Centre Wellington, or any Person designated by the Clerk;

"Council" means the Council of the Township of Centre Wellington;

"Decision of a Hearing Officer" means a notice that contains the decision of a Hearing Officer;

"Decision of a Screening Officer" means a notice that contains the decision of a Screening Officer;

"Hearing" means a review of a Decision of a Screening Officer by a Hearing Officer;

"Hearing Officer" means a Person who performs the functions of a Hearing Officer in accordance with this By-law and the Township's Administrative Monetary Penalties By-laws;

"Officer" means a police officer, municipal law enforcement officer, or any other Person appointed by By-law to enforce the provisions of this By-law;

"Parent" means a Person who has demonstrated a settled intention to treat a child as a member of their family whether or not that Person is a natural parent of the child and includes a legal guardian;

"Person" includes an individual, sole proprietorship, partnership, limited partnership, trust, or corporation and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

"Power of Decision" means a power or right, conferred by or under this By-law and the Administrative Monetary Penalties By-laws, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any Person;

- (a) in the case of a Screening Officer, in respect of a request to review an Administrative Penalty;
- (b) in the case of a Hearing Officer, in respect of an appeal of a Decision of a Screening Officer;

“Relative” means any of the following Persons:

- (a) spouse;
- (b) parent;
- (c) child, including a stepchild and grandchild;
- (d) grandparent;
- (e) siblings and children of siblings;
- (f) aunt, uncle, niece and nephew;
- (g) in-laws, including mother, father, sister, brother, daughter or son; or
- (h) any Person who lives with the Person on a permanent basis;

“Screening Officer” means a Person who performs the functions of a Screening Officer in accordance with this By-law and the Township’s Administrative Monetary Penalties By-laws;

“Screening Review” means a review of an Administrative Penalty by a Screening Officer;

“Spouse” means a Person to whom the Person is married or with whom the Person is living in a conjugal relationship outside of marriage and includes a common-law partner;

“Township” means the Corporation of the Township of Centre Wellington.

3. Screening Officer

- 3.1 The position of Screening Officer is established for the purpose of exercising the Power of Decision in the first review of an Administrative Penalty as set out in the Township’s Administrative Monetary Penalties By-laws.
- 3.2 The Screening Officer shall have all the Powers of Decision as set out in the Township’s Administrative Monetary Penalties By-laws, applicable legislation and policies.
- 3.3 A Screening Officer shall be appointed by the Clerk, and preference shall be given to an eligible candidate with knowledge of and experience in administrative law and in interpreting legislation and policies.
- 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. Hearing Officer

- 4.1 The position of Hearing Officer is established for the purpose of exercising the Power of Decision in the appeal of a Decision of a Screening Officer as set out in the Township’s Administrative Monetary Penalties By-laws.
- 4.2 The Hearing Officer shall have all the Powers of Decision as set out in the Township’s Administrative Monetary Penalties By-laws, applicable legislation and policies.
- 4.3 A Hearing Officer shall be appointed by the Council, upon recommendation of the Clerk. Preference shall be given to an eligible candidate with knowledge of and experience in administrative law and in interpreting legislation and policies.
- 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. General Provisions

- 5.1 The following Persons are not eligible for appointment as a Screening Officer or Hearing Officer:
- (a) a member of Council;
 - (b) a relative of a member of Council;
 - (c) in the case of a Hearing Officer, an employee of the Township; or
 - (d) a Person indebted to the Township other than:
 - i) in respect of current real property taxes; or
 - ii) pursuant to an agreement with the Township the terms with which the Person is in compliance.
- 5.2 The Clerk is hereby delegated authority to establish appointment policies for Screening Officers and Hearing Officers, together with the authority to determine the appropriate terms and conditions of such appointments.
- 5.3 A Screening Officer shall be appointed for such period and subject to such terms and conditions as may be determined by the Clerk in accordance with the Township's employment policies and procedures.
- 5.4 A Hearing Officer shall be appointed for such period and subject to such terms and conditions as recommended by the Clerk and shall be remunerated at the rate from time to time established by Clerk.

6. Enforcement and Penalty Provisions

- 6.1 No Person shall communicate, interfere with or influence, or cause to be communicated, interfered with or influenced a Screening Officer or Hearing Officer respecting the Power of Decision except for the Person or their authorized representative who are entitled to be heard during a Screening Review or Hearing.
- 6.2 Section 6.1 does not prevent a Screening Officer or a Hearing Officer from seeking and receiving legal advice.
- 6.3 Every Person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, and the *Municipal Act, 2001, S.O. 2001*, as amended.
- 6.4 Any Person who is charged with an offence under this By-law or every director or officer of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, to the following:
- (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 6.5 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 6.6 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 6.7 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

7. Severability

7.1 Should any provision, or any part of a provision of this By-law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such provision, or 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.

8. Singular and Plural Use

8.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural, where applicable.

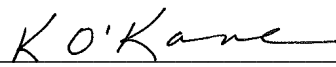
9. Effective Date

9.1 That this By-law shall come into force and take effect upon its final passing.

Read a first, second and third time and finally passed this 25th day of August, 2025.



Mayor – Shawn Watters



Clerk – Kerri O'Kane