



# **The Municipal Corporation of the Town of Fort Erie**

## **BY-LAW NO. 114-2019**

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### **Being a By-law to Authorize the Entry into an Agreement with Rutherford Prosecutions and to Appoint Janet Rutherford as the Hearing Officer for The Corporation of the Town of Fort Erie under the Administrative Penalty System and to Repeal By-law No. 86-2014**

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**Whereas** By-law No. 84-2014 was passed by the Municipal Council of the Town of Fort Erie on June 16, 2014 to establish a System for Administrative Penalties respecting the stopping, standing and parking of vehicles within the Town of Fort Erie (Administrative Penalty By-law), pursuant to Section 102.1(1) *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and Ontario Regulation 333/07 (the "Regulation") thereto; and

**Whereas** it is necessary to appoint a Hearing Officer to hear appeals of Screening Decisions under the Administrative Penalty By-law; and

**Whereas** By-law No. 86-2014 was passed by the Municipal Council of the Town of Fort Erie on the 16<sup>th</sup> day of June, 2014 to enter into an agreement with the City of Port Colborne for the shared use of, and to appoint a Hearing Officer (Administrative Penalty System for Parking Enforcement); and

**Whereas** at the Council-in-Committee Meeting held July 8, 2019 Report No. PDS-44-2019 Administrative Penalty System was accepted and approved as follows:

**That:** Council approves as Administrative Penalty System By-law for various Town By-laws as set out in **Appendix "1"**, and further

**That:** Council authorizes staff to enter an agreement with Janet Rutherford of Rutherford Prosecutions and the appointment of Janet Rutherford as the Hearing Officer for the Town of Fort Erie; and further

**That:** Council approves the termination of the current agreement with the City of Port Colborne where Janet Rutherford was the joint Hearing Officer for both Municipalities for the Parking Administrative Penalty System; and

**Whereas** By-law No. 111-2019 was passed by the Municipal Council of the Town of Fort Erie on the 15<sup>th</sup> day of July, 2019 to establish an Administrative Penalty System for various municipal by-laws; and

**Whereas** it is deemed necessary to authorize the entry into an Agreement with Rutherford Prosecutions and to appoint Janet Rutherford as the Hearing Officer for The Corporation of the Town of Fort Erie under the Administrative Penalty System;

**Now therefore** the Municipal Council of the Town of Fort Erie enacts as follows:

1. **That** the entry into an Agreement with Rutherford Prosecutions for the purposes of the Town's Administrative Penalty System, in a form satisfactory to the Town Solicitor, is authorized and approved.
2. **That** the Mayor and Clerk are authorized and directed to execute the Agreement and to affix the corporate seal thereto.
3. **That** Janet Rutherford is appointed as the Hearing Officer for The Corporation of the Town of Fort Erie for the purposes of the Town's Administrative Penalty System.
4. **That** By-law No. 86-2014 is repealed.
5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 15<sup>th</sup> day of July, 2019.**

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 114-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_\_\_.

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