



Town of Newmarket
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Implementation of the Administrative Monetary Penalty System Staff Report to Council

Report Number: 2019-89

Department(s): Legislative Services

Author(s): Flynn Scott, Manager of Regulatory Services

Meeting Date: September 23, 2019

Recommendations

1. That the report entitled, Implementation of the Administrative Monetary Penalty System dated September 23, 2019 be received; and,
2. That Council repeals Parking By-law 1993-62 as amended;
3. That Council adopts Parking By-law 2019-XX (**Attachment A**) and Administrative Monetary Penalty System By-law 2019-XX (**Attachment B**);
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to present Council with next steps regarding the implementation of the Administrative Monetary Penalty System ("AMPS"), which includes adoption of AMPS By-law 2019-XX and Parking By-law 2019-XX.

Background

The AMPS model was introduced to assist over-burdened courts by streamlining ticket disputes and allowing municipalities a more efficient way to enforce by-laws. It reduces the congestion in provincial courts and allows for better use of court time and resources for more serious matters.

In June 2018, Council directed staff to move forward with the implementation of the AMPS model for parking matters in Q1/Q2 of 2020. As part of this process, Staff has updated Town by-laws and drafted supporting policies and procedures to align with the requirements set forth under the Municipal Act.

Discussion

Parking By-law 2019-XX – Required for AMPS Implementation

The Parking By-law is required to be updated to align with the new AMPS model. It is relevant to note that, while a new Parking By-law is proposed, the regulations within the current by-law have remained consistent. There are no changes in regulations to impact enforcement and Schedules have remained the same, with the exception of updating maps for clarity. All other updates proposed are the result of clerical clarification, housekeeping items, simplicity, and an overall modernization to current provisions to reflect community standards.

AMPS By-law 2019-XX

Through the AMPS model, the Town of Newmarket will have governance over hearing processes, scheduling dates, and providing timely reviews for all disputes brought forward. This will ensure that the public is receiving an enhanced response to disputes and increased customer service via Town processes that have been established in-house to replace the current process available through the Provincial court system.

Successful implementation plans from neighbouring communities have been reviewed prior to proposing the AMPS By-law. Staff reports produced by cities such as Brampton, Burlington, Hamilton, Markham, Oshawa, Richmond Hill, and Vaughan have all advocated high success in transitioning to the AMPS model. Oshawa also conducted a third-party review to identify recommendations for improvement on their AMPS program. AMPS By-law 2019-XX is presented for Council's approval and incorporates best practices from various communities.

Implementation Process

If approved, the AMPS By-law will give delegated authority to the Director of Legislative Services to implement supporting policies and procedures required under the Municipal Act.

For the purpose of providing clear and concise processes for both staff and the public, Town Staff are also working to implement the following key documents:

- ✓ Informational Guidelines;
- ✓ Communications Plan;
- ✓ Templates;
- ✓ Penalty Notice (ticket) dispute forms;
- ✓ Notification Letters;
- ✓ Screening Officer Checklist, review forms, and decision letters; and
- ✓ Hearing Officer Checklist, review forms, and decision letters.

Next Steps Required

In order to move forward with the implementation and enforcement of the AMPS model, Council is required to adopt Parking By-law 2019-XX and AMPS By-law 2019-XX. Once adopted, Town Staff must notify the Attorney General and request authority to enforce fines under the AMPS model.

Following its implementation in Q1 2020, Staff will:

- conduct a six month financial review to determine the progress and success of the AMPS model;
- consider options for expanding the AMPS model across other by-laws with Council’s approval; and
- monitor Automated Speed Enforcement and school bus camera legislation for integration with the AMPS model.

Conclusion

Town Staff recommends the adoption of Parking By-law 2019-XX and AMPS By-law 2019-XX in order to move forward with the implementation of the AMPS model.

Business Plan and Strategic Plan Linkages

This report aligns with Council’s Strategic Priorities in that it is promoting the Safe Transportation (Streets) pillar.

Consultation

Internal

Thorough consultation has been completed with the following departments:

- ✓ Customer Service;
- ✓ Engineering
- ✓ Finance;
- ✓ Information Technologies; and
- ✓ Legal.

Collaboration between all levels of staff has been critical in amending, drafting, and proposing the by-laws before Council.

A comprehensive communications plan is in review and consultation with the Town’s Communications Department for a roll out strategy will be determined shortly and shared with Council.

External

External consultation with various communities has taken place to ensure best practices are followed for the implementation of the AMPS model. Discussions with the AMPS Regional Working Group have taken place to provide information on the Town’s next steps for process and implementation timeline, with ongoing communication continuing forward. Further discussions have also been held in relation to joint-initiatives regarding a shared-cost model for Hearing Officer Reviews. This option remains in its early stages of discussion but will continue to be monitored for future opportunities.

While conducting a thorough review, communities such as Burlington, Markham, Richmond Hill, Oshawa, and Vaughan have all reported revenue increases resulting from the implementation of the AMPS

model. The AMPS model will also significantly reduce the administrative hours and staff resources currently exhausted for court processes, evidence collection and preparation, and personally serving documents to all parties involved.

Human Resource Considerations

A Screening Officer and Dispute Coordinator will be assigned as part of the implementation process of AMPS. These positions will be assigned from staff currently employed by the Town.

Through delegated authority, the Director of Legislative Services will appoint a Hearing Officer as an adjudicator for disputes that are unable to be resolved through the Screening process. Policies and procedures have been established to ensure integrity and preserve procedural fairness of this quasi-judicial position, which will be contracted to a qualified adjudicator.

Budget Impact

The AMPS model is projected to increase revenue based on the early, set, and late payment accruals. Ticket disputes will also generate revenue from administrative fees.

The Screening Officer, Dispute Coordinator, and Hearing Officer positions have been accounted for and cost recovery will occur directly through the AMPS program.

Attachments

Attachment #1 - Parking By-law 2019-XX

Attachment #2 - AMPS By-law 2019-XX

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

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