



Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **Administrative Monetary Penalty System, Changes for Automated Speed Enforcement Applications and Housekeeping Staff Report to Council**

Report Number: 2024-26

Department(s): Legislative Services

Author(s): Ben Worthington, Manager of ASE & AMPS  
Elysia Harvey, Legislative Services Associate, ASE

Meeting Date: April 29, 2024

### **Recommendations**

1. That the report entitled “Administrative Monetary Penalty System, Changes for Automated Speed Enforcement Applications and Housekeeping” dated April 29, 2024, be received; and,
2. That Council repeal Automated Speed Enforcement By-law 2023-09; and,
3. That Council repeal the Administrative Monetary Penalty Systems By-law 2019-62; and,
4. That Council adopt the Administrative Monetary Penalty Systems By-law 2024-16; and,
5. 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 provide Council with staff recommended changes to the Administrative Monetary Penalty System, aligning the systems applications for Automated Speed Enforcement, Parking Enforcement and Municipal By-law Enforcement. Additionally this report is to provide Council with further recommended changes for general housekeeping and continued transition of Regulatory By-laws to the Administrative Monetary Penalty System.

## Background

On January 30, 2023, Council received a [presentation and Staff Report 2023-07](#) with options for developing a program using ASE technology in Newmarket. Council approved the program, directing staff to do all things necessary to implement a Joint Processing Centre (JPC) in Newmarket. This option provided staff the flexibility to design the program to accommodate the Town's needs. Council's direction to proceed with the ASE program recognizes the importance of prioritizing safe streets, especially for identified vulnerable populations within the community. The JPC model also enables Newmarket to be the ticket processing centre for partnering municipalities.

On June 28, 2023, Council received [Staff Report 2023-51](#) providing an update on the progress of the program and provided options for the initial size and scope of the program in Newmarket. Council directed staff to proceed with the size and scope of a program using ASE technology as identified in Option #1 of Staff Report 2023-51 with an initial roll out of 14 cameras installed (two per ward) for a total of 14 sites. The Town currently has 37 CSZs and the 14 sites are located within the formally designated CSZs.

On September 11, 2023, Council received [Staff Report 2023-54](#) providing Council with options for selecting the CSZs that should have cameras installed upon program launch. After receiving Council direction regarding the initial 14 CSZs to be prioritized for program launch, staff have been working towards the full-scale implementation of the new Community Safety Camera program.

On March 15, 2024, Council received [Information Report INFO-2024-04](#) providing Council with updates on the progression of the implementation of Automated Speed Enforcement and the development of Joint Processing Centre under the Community Safety Camera Program.

## Discussion

As work on the ASE program has progressed over the past year, staff have had many opportunities to collaborate in working groups with other municipalities, to receive feedback from the Province, and to gain a better overall understanding of the components of the program. Through these informative discussions, staff have examined the mandatory legislative requirements and thoroughly considered operational best practices for a successful program.

### **Automated Speed Enforcement By-law**

One technical aspect Staff have been made aware of is that the authority to issue penalties for camera-based contraventions is solely provided under the *Highway Traffic Act*, therefore a by-law dedicated to Automate Speed Enforcement is not required to process contraventions detected by ASE technology in a municipality. In light of this, Staff are recommending that Automated Speed Enforcement By-law 2023-09 be repealed.

## Administrative Monetary Penalty System By-law

The Town's AMPS program has been running successfully since its introduction in 2019, with the program expanding to include 25 municipal by-laws, and more recently the implementation of escalating penalty amounts for repeat offenders.

Within the authority delegated under the *Municipal Act* and Ontario Regulation 333/07, municipalities historically have had the discretion to establish their own administrative fees for the AMPS program.

However, with the introduction of automated camera-based enforcement under the AMPS framework, the Province has regulated the administrative fee amounts within Ontario Regulation 355/22 under the *Highway Traffic Act*. In addition, the new Regulation provides more specific direction on the appeal process for camera-based penalties issued under AMPS. While this legislation only applies to camera-based enforcement and there is no requirement for a municipality to adjust its practices for other municipal by-laws, staff are recommending that the fees and processes be amalgamated to ensure the consistent approach to appeals across all enforcement applications under AMPS.

### Proposed Changes – Camera-Based Enforcement & Appeals

With the introduction of camera-based enforcement under the AMPS framework, staff are recommending that the Town's AMPS By-law be repealed and replaced to make the changes necessary to incorporate camera-based enforcement, consistency in appeals and general housekeeping.

The fees shown in the "ASE" column below are the fees mandated by the province. Municipalities have no discretion on setting fee amounts for Automated Speed Enforcement applications.

The proposed changes include;

	Administrative Monetary Penalty System		
	Current	ASE	Proposed
Plate Search Fee	\$10.00	\$8.25	\$8.25
Screening No-Show Fee	\$50.00	\$60.00	\$60.00
Hearing No-Show Fee	\$100.00	\$60.00	\$60.00
Adjudication Fee	\$25.00	Not Permitted	Repeal
Time Provided to Request an Appeal	15 days	30 days	30 days

### Proposed Changes - Accessible Parking Contraventions

Section 27 (2) of the *Highway Traffic Act* stipulates that the minimum penalty amount for accessible parking permit offences is \$300.00. Aligning with this legislated penalty minimum, the Town's current Parking Bylaw 2019-63 sets the penalty amount for accessible parking related offences at \$300, with no opportunity for reduction. Through the AMPS appeal process, staff have become aware of the growing number of Appellant

concerns that there is no flexibility on the part of the municipality to allow for a 25% discount for early payment.

Given the seriousness of parking contraventions which negatively impact our accessible needs population, as well as to allow some flexibility when reviewing appeals for these tickets, staff are recommending that the Set Penalty amount for accessible parking related offences be increased to \$400.00 allowing for a 25% discount for early payment.

Parking By-law 2019-63, accessible parking contraventions, current:

Section	Description	Early Payment	Set Penalty	Late Payment
<b>Parking By-law 2019-63</b>				
14(1)(a)	Failure to display accessible permit	300.00	300.00	400.00
14(1)(b)	Unauthorized use of accessible permit	300.00	300.00	400.00

Parking By-law 2019-63, accessible parking contraventions, proposed:

Section	Description	Early Payment	Set Penalty	Late Payment
<b>Parking By-law 2019-63</b>				
14(1)(a)	Failure to display accessible permit	300.00	<b>400.00</b>	<b>500.00</b>
14(1)(b)	Unauthorized use of accessible permit	300.00	<b>400.00</b>	<b>500.00</b>

### **Proposed Changes - Continued Transition of Regulatory By-laws to AMPS**

Town staff are recommending that the following By-laws be added to the AMPS By-law:

Road Occupancy By-law 2018-31 current;

Section	Description	1 <sup>st</sup> Offence Set Penalty	2 <sup>nd</sup> Offence Set Penalty	3 <sup>rd</sup> Offence Set Penalty
<b>Road Occupancy By-law 2018-31</b>				
3.3.1	Cause or permit material, waste, or sediment on highway	200.00	300.00	450.00
3.3.2	Deposit snow or ice on roadway, sidewalk, or boulevard	200.00	300.00	450.00
3.3.4	Alter grade on boulevard	200.00	300.00	450.00
3.3.8	Place debris on highway	200.00	300.00	450.00
3.3.9	Place landscape or construction material or bin on highway	200.00	300.00	450.00
4.1	Failure to obtain Road Occupancy Permit	300.00	450.00	675.00

Road Occupancy By-law 2018-31 proposed additions;

Section	Description	1 <sup>st</sup> Offence Set Penalty	2 <sup>nd</sup> Offence Set Penalty	3 <sup>rd</sup> Offence Set Penalty
<b>Road Occupancy By-law 2018-31</b>				
3.3.1	Cause or permit material, waste, or sediment on highway	200.00	300.00	450.00
3.3.2	Deposit snow or ice on roadway, sidewalk, or boulevard	200.00	300.00	450.00
<b>3.3.3</b>	<b>Place snow, ice, material or equipment within 1.2m of a fire hydrant</b>	<b>200.00</b>	<b>300.00</b>	<b>450.00</b>
3.3.4	Alter grade on boulevard	200.00	300.00	450.00
<b>3.3.5</b>	<b>Cut, alter, or extend a concrete curb, culvert or landscape structure</b>	<b>200.00</b>	<b>300.00</b>	<b>450.00</b>
<b>3.3.6</b>	<b>Discharge water from sump pump, irrigation system or down spout onto a highway.</b>	<b>200.00</b>	<b>300.00</b>	<b>450.00</b>
3.3.8	Place debris on highway	200.00	300.00	450.00
<b>3.3.9</b>	<b>Place landscape or construction material or bin on highway</b>	<b>200.00</b>	<b>300.00</b>	<b>450.00</b>
<b>4.1</b>	<b>Failure to obtain Road Occupancy Permit</b>	<b>300.00</b>	<b>450.00</b>	<b>675.00</b>
4.4.2	Construct driveway apron crossing boulevard greater than curb cut	200.00	300.00	450.00
4.4.3	Construct, install or place fence, raised curb or landscape feature within 0.5m of sidewalk	200.00	300.00	450.00
4.4.4	Place, deposit or plant an object on boulevard or highway that impedes or creates hazard	200.00	300.00	450.00

Addition of Public Tree By-law 2017-59;

Section	Description	1 <sup>st</sup> Offence Set Penalty	2 <sup>nd</sup> Offence Set Penalty	3 <sup>rd</sup> Offence Set Penalty
<b>Public Tree By-law 2017-59</b>				
3.1 (c)	Failure to comply with conditions of a permit	500.00	750.00	1,125.00
3.2 (a)	Injure or destroy tree without a permit	5,000.00	7,500.00	11,250.00

Addition of Snow Removal By-law 1996-38;

Section	Description	1 <sup>st</sup> Offence Set Penalty	2 <sup>nd</sup> Offence Set Penalty	3 <sup>rd</sup> Offence Set Penalty
<b>Snow Removal By-law 1996-38</b>				
3	Failure to clear sidewalk within 24hrs of snowfall	200.00	300.00	450.00
5	Deposit snow/ice on sidewalk or highway	200.00	300.00	450.00

With the extent of the changes proposed to the AMPS By-law staff are recommending that Council repeal Administrative Monetary Penalty System By-law 2019-62 (Attachment 2)

and replace the By-law with Administrative Monetary Penalty System By-law 2024-16 (Attachment 3).

## **Conclusion**

In conclusion, staff are recommending the AMPS By-law be repealed and replaced in order to meet the new legislated requirements of the ASE program, while maintaining consistency throughout all aspects of the AMPS program and continuing the expansion of Municipal By-laws under the AMPS program.

## **Business Plan and Strategic Plan Linkages**

This report aligns with Council's top priority of making streets even safer and the strategic vision of the Town of Newmarket; A Community Well Beyond the Ordinary.

## **Consultation**

This report was drafted in consultation with:

- Town of Newmarket Regulatory Services department
- Town of Newmarket Legal department
- External Legal
- The Ontario Traffic Council
- Ministry of Transportation
- Region of Waterloo
- Region of York
- City of Brampton
- City of Toronto

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

Attachment 1 – Automated Speed Enforcement By-law 2023-09

Attachment 2 – Administrative Monetary Penalty System By-law 2019-62

Attachment 3 – Proposed Administrative Monetary Penalty System By-law 2024-16

## **Approval**

Lisa Lyons, Director of Legislative Services

Esther Armchuk, Commissioner of Corporate Services

## **Contact**

Ben Worthington, Manager of ASE & AMPS