

## REPORT

### Council

**Meeting Date: October 21, 2024**

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**FROM:** Municipal Enforcement Services Department

**DATE:** October 8, 2024

**SUBJECT:** **Automated Speed Enforcement-Administrative Penalty System for ticket issuance, By-law 2024-148**

**LOCATION:**

**WARD:** Town-wide Page 1

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#### **RECOMMENDATION:**

That By-law 2024-148, a by-law to establish an Administrative Penalties System for automated speed enforcement in Community Safety Zones, attached as Appendix A, to the October 8, 2024 report from Municipal Enforcement Services be passed;

#### **KEY FACTS:**

The following are key points for consideration with respect to this report:

- At its October 18, 2021 meeting, Council endorsed the implementation of Automated Speed Enforcement (“ASE”) program in conjunction with the Administrative Penalties System (“APS”)
- ASE systems will monitor and automatically capture speed violations using camera technology, enforcing speed limits without the need for police presence
- Ontario Regulation 355/22 enacted under the *Highway Traffic Act* (“O. Reg. 355/22”) authorizes municipalities to impose Administrative Penalties for vehicle-based contraventions detected using camera systems
- O. Reg. 355/22 authorizes municipalities to pass by-laws imposing fees or charges under section 391 of the *Municipal Act, 2001* in respect of services related to an administrative penalty imposed under section 21.1 of the *Highway Traffic Act*
- An ASE by-law authorizes administrative penalties for speed violations in community safety zones detected by ASE systems. These penalties are applied to the registered vehicle owner, regardless of the driver at the time.
- Oakville’s community safety zones are established by Traffic By-law 1984-1, as amended

- The Automated Speed Enforcement program in community safety zones is scheduled to launch in January 2025 after which penalty orders will be issued under the town's Administrative Penalties System for automated speed enforcement.
- By-law 2024-148 attached as Appendix A to this report sets out an Administrative Penalties System for automated speed enforcement in Community Safety Zones

### **BACKGROUND:**

ASE is an automated system that uses a camera and a speed measurement device to help enforce speed limits in school zones and community safety zones. It is designed to work in tandem with other traffic safety programs, including improvements to road networks, educational programs and police enforcement. ASE is focused on altering driver behaviour to decrease speeding and increase road safety.

At its October 18, 2021 meeting, Council endorsed the implementation of an ASE program in conjunction with the Administrative Penalties System (APS) of ticket issuance.

The APS for ASE legislation came into force in July 2022 to reduce the burden on the court system. Tickets issued under APS allows for municipal oversight of the ticket management and adjudication process.

### **COMMENT/OPTIONS:**

#### **Administrative Penalty Management**

##### **Penalty Order Issuance**

APS penalties for ASE contraventions will be issued by the Joint Processing Centre ("JPC"), located in Toronto. The JPC will oversee the officers who will review the photo evidence of the speeding contraventions and determine whether a penalty order should be issued. The officer has 23 days to issue a penalty order. The penalty order will be issued to the registered owner of the vehicle and mailed to their last known address, as registered with the Ministry of Transportation (MTO).

##### **Penalty Amounts**

O. Reg. 355/22 sets out administrative penalties for contravention of the speed limit in community safety zones designated by Traffic By-law 1984-1. The administrative penalty is issued in the amount specified by O. Reg. 355/22 and depends on the rate of speed the vehicle is travelling. The penalty order will include an amount for a Victim Justice Fund ("VJF"). The fund is primarily supported by surcharges on

finances imposed by courts on offenders. When a person is convicted of a crime, they are required to pay a victim surcharge, which goes into this fund. The Victims' Bill of Rights, 1995 outlines the rights of victims to be treated with courtesy, compassion, and respect, to receive information, and to be given opportunities to participate in the justice system. The VJF is an important mechanism to help fulfill these rights by providing financial resources for victim services. These fees will increase as the rate of speed increases as prescribed under Provincial Regulation 355/22.

### **Payment**

Once the penalty order is issued, the order is deemed to be served after 7 days of issuance. Once served, the registered owner of the vehicle has 30 days to pay the administrative penalty, unless a request for a first stage appeal has been received by the Town.

### **Appeal Process**

Provincial Regulation 355/22 provides for a two-stage appeal process that has been included in By-law 2024-148, as follows:

1. First Stage Appeal: A Screening Officer reviews the appeal
2. Second Stage Appeal: If contested, a Hearing Officer reviews the decision.

The option to dispute a penalty order is available within 30 days of the date of service through a first stage appeal. To choose this option, the registered owner of the vehicle would be required to notify the town to request a first stage appeal screening. This appeal will be reviewed by the screening officer who will provide a decision. The Screening Officer may confirm, vary or set aside the penalty order. The Screening Officer will send a decision letter to the appellant after the review is complete. If the Screening Officer confirms or varies the penalty order, the vehicle owner will have 30 days from the date of the screening decision to pay.

The registered owner of the vehicle has the option to escalate the decision of the screening officer to a second stage appeal allowing for a review by a Hearing Officer. This request must be submitted to the town within thirty (30) days after the date of the screening decision to commence a second stage appeal. The Hearing Officer may confirm, vary or set aside the screening decision. If the Hearing Officer confirms or varies the screening decision, the vehicle owner will have 30 days from the date of hearing decision to pay.

If payment is not received within the required timeline, the penalty order will be submitted to the MTO for collection of the administrative penalty.

## **Policy and Procedure Update**

The Administrative Monetary Penalty Procedure will be updated to be consistent with the provisions of By-law 2024-148. The updated procedure will be presented to the Procedural Committee for approval prior to the APS for ASE program implementation.

### **CONSIDERATIONS:**

#### **(A) PUBLIC**

The administrative penalty system of enforcement allows for the processing of by-law penalties outside of the courts, thereby providing the Town and the public with a timely, local dispute resolution system.

Staff will provide ongoing communications and education programs to advise the community of the implementation of Automated Speed Enforcement.

#### **(B) FINANCIAL**

The costs and revenues to implement the ASE program are included in the 2024 approved budget along with submissions in the 2025 budget and includes consideration for Screening and Hearing resources within the Legal department to oversee the First and Second Stage appeals under APS for ASE.

Penalties rates and fees are as prescribed through Provincial Regulation 355/22.

#### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Implementation of ASE is being done in collaboration with the Transportation and Engineering Department. Multiple departments including Municipal Enforcement and Legal have been involved in the development and review of this by-law.

#### **(D) COUNCIL STRATEGIC PRIORITIES**

This report addresses Council's strategic priority/priorities: Growth Management, Community Belonging, Environmental Sustainability and Accountable Government.

#### **(E) CLIMATE CHANGE/ACTION**

Initiatives to reduce vehicle speeds on Town roads through Automated Speed Enforcement will enhance protection for vulnerable road users. Prioritizing the

safety of these individuals promotes active transportation, which contributes to the reduction of greenhouse gas emissions from motorized vehicles. It can promote public transportation and moving towards Ontario's Vision Zero.

**APPENDICES:**

Appendix A- By-law 2024-148 Administrative Penalties System for Automated Speed Enforcement

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