



## Corporate Services Staff Report

---

Report Number: C24-2024  
Report Title: Administrative Monetary Penalty System (AMPS) Report 2  
Author: Shayne Turner, Consultant, Municipal Compliance Solutions  
Vanessa Albanese, Municipal Enforcement Supervisor  
Meeting Type: Council Meeting  
Meeting Date: October 22, 2024  
eDocs or File ID: 128061  
Consent Item: No  
Final Version: Yes  
Reviewed By: Jeff Smith, Director of Corporate Services/Clerk  
Final Review: Senior Management Team

### Recommendation:

That the Council of the Township of Woolwich, considering Report C24-2024 respecting Administrative Monetary Penalty System (AMPS) Report 2:

1. Approve the five (5) Policies as required by the legislation regarding an Administrative Monetary Penalty System, as attached to this report;
2. Approve the by-law to amend the Township's existing enforcement and delegation by-laws, as attached to this report; and
3. Approve the by-law to create the positions of Screening Officer and Hearing Officer, as attached to this report.

### Background:

On September 24, 2024, staff presented Report C23-2024 to enact the necessary Administrative By-law for transitioning the enforcement of the Township's by-laws from the traditional Provincial Offences Act (POA) model to a municipally operated Administrative Monetary Penalty System (AMPS). Council subsequently passed By-law No. 58-2024, the Administrative Monetary Penalty System By-law.

## **Comments:**

### **Policies**

In accordance with Ontario Regulation 333/07, staff have prepared policies applicable to both parking and non-parking violations. Below is an overview of these policies as mandated by legislation:

#### **1. Prevention of Political Interference**

The provincial regulations require the AMPS program to include policies and procedures that ensure accountability and transparency. This is addressed in the "Preventing Political Interference in the Administrative Penalty System Policy." (see Attachment 3)

#### **2. Prevention of Conflicts of Interest**

The regulations mandate guidelines to define and prevent conflicts of interest related to the administration of the system. This is covered in the "Conflict of Interest and Code of Conduct in Relation to the Administration of the Administrative Penalty System Policy." (see Attachment 7)

#### **3. Financial Management**

The AMPS program must include policies regarding financial management (see Attachment 4), which include:

- Administrative fees payable by individuals receiving a Penalty Notice, as outlined in the Administrative Penalty By-law. These fees are in addition to the Administrative Penalty and may be collected similarly to property taxes for non-parking tickets.
- A refund of any cancelled or reduced parking AMPS or administrative fees upon review or appeal.

#### **4. Public Complaints**

Procedures for filing and processing public complaints about the AMPS are required. Complaints will be directed to the Municipal Enforcement Supervisor and subsequently reviewed by the Director of Corporate Services/Clerk for review. This is detailed in the "Public Complaints in Relation to the Administration of the Administrative Penalty System Policy" (see Attachment 5).

#### **5. Undue Hardship**

The AMPS must establish procedures to excuse individuals from paying all or part of an Administrative Penalty and related fees in cases of undue hardship. Screening and Hearing Officers will have the discretion to cancel, reduce, or extend payment timelines under certain circumstances. This policy is outlined in

the "Undue Hardship in Relation to the Administration of the Administrative Penalty System Policy." (see Attachment 6)

### **By-law Amendments**

To implement the administrative penalties for by-laws, the Township must amend its existing enforcement by-laws to align penalty provisions with the AMPS. The following by-laws will be amended to incorporate AMPS penalties:

- By-law #57-2014 (Front Yard Parking By-law)
- By-law #71-2012 (Private and Municipal Lot Parking By-law)
- By-law #40-2017 (Clean Yards By-law)
- By-law #31-2018 (Animal Control By-law)
- By-law #08-2020 (Licensing By-law)
- By-law #47-2023 (Noise By-law)
- By-law #44-2023 (Recreation By-law)
- By-law #70-2006 (Traffic and Parking By-law)
- By-law #34-2024 (Boulevard Maintenance and Highway Obstruction By-law)
- By-law #15-2015 (Fireworks By-law)
- By-law #19-2013 (Open Air Burn By-law)
- By-law #55-2009 (Sidewalk Snow Removal By-law)

These by-laws will continue to be enforced as they currently are using AMPS instead of the Provincial Offences Act. The introduction of the AMPS program will enhance staff effectiveness in promoting compliance within the Township. An amending by-law has been prepared for Council's consideration (see Attachment 2).

### **Screening and Hearing Officers**

The AMPS program requires a two-step resolution process for disputing penalty notices, comprising a "screening" and a "hearing." A by-law to establish the roles and appointment procedures for screening and hearing officers is necessary; a draft of this by-law is included as Attachment 1. The appointment by-law outlines qualifications to ensure process integrity.

It is recommended that the Director of Corporate Services/Clerk be delegated the authority to appoint both screening and hearing officers. Attachment 2 includes necessary amendments to the Township's Delegation of Authority By-law.

Staff are continuing discussions to determine who will be appointed as Hearing Officers. These people are typically retired judges, mediators or municipal staff and may be shared with other municipalities who have AMPS. Once appointed, Hearing and Screening Officers will be required to complete an orientation and training program.

## **ARIS**

A key component of AMPS is the authority to mail parking tickets and notices to registered vehicle owners and apply for licence plate denial for unpaid parking tickets. Staff continue to work with the Ministry of Transportation of Ontario's Authorized Requester Information Services (ARIS) for an agreement to have this authority. Staff recommend that the Director of Corporate Services/Clerk be delegated authority to execute ARIS agreements.

### **Implementation**

With Council's approval of the recommendations in this report, staff will be able to implement AMPS with a start date of November 5, 2024. While this has been delayed from the original mid-year implementation date, this is consistent with Council's direction to reorganize the By-law Division without a By-law Manager position during budget deliberations.

Processing penalty notices in-house rather than through the Provincial Offences Court will require existing staff to take on additional responsibilities. At this stage, it is expected that By-law Enforcement Officers will take on the role of Screening Officers, the Municipal Enforcement Supervisor will process penalty notices, and the Director of Corporate Services will take on additional roles as a Screening Officer and Designated Complaints Investigator under the AMPS – Public Complaints Policy. This will add additional workload on existing staff, especially the Supervisor and the Director.

### **Interdepartmental Impacts:**

By-law enforcement staff collaborate with other Township departments to address municipal issues and enforce municipal by-laws. The implementation of the AMPS process is expected to provide greater flexibility and options to assist these departments.

### **Financial Impacts:**

The implementation of AMPS and associated fees in this report is expected to be revenue neutral, generating enough revenue to cover additional costs and staff time to maintain the system.

### **Community Strategic Plan Impacts:**

This new system maintains an innovative customer service focus. The new Administrative Monetary Penalty System is designed to enhance customer service by improving adaptability. This system aims to enable staff to better serve the public by offering a more flexible and responsive approach to handling administrative penalties.

## **Conclusion:**

Staff recommend that Council adopt the proposed policies and by-laws. This will enable the Township to finalize preparations for the implementation of the AMPS process for both parking and non-parking by-laws, effective November 5, 2024.

## **Attachments:**

1. Screening Officer and Hearing Officer Appointment By-law
2. Amendment to existing enforcement and delegation by-laws
3. Policy - Political Interference
4. Policy - Financial Management
5. Policy - Public complaints
6. Policy - Undue Hardship
7. Policy- Conflict of interest