



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, March 10, 2025

To: Members of Council

From: Jennifer Willoughby, Director of Legislative Services/Clerk

Report: LS2025-02

Subject: **Automated Speed Enforcement Update**

Recommendation

BE IT RESOLVED THAT Council receives report LS2025-02 for information;
AND THAT leave be given for the reading and enacting of:

- 1) Bylaw 10-2025 being a bylaw to establish and implement an administrative penalty system for contraventions detected using automated speed enforcement cameras, within the Town of Shelburne;
- 2) Bylaw 11-2025 being a bylaw to authorize the Mayor and Clerk to execute an automated speed enforcement administrative penalty agreement between the Corporation of the Town of Shelburne and His Majesty the King in right of Ontario as represented by the Minister of Transportation;
- 3) Bylaw 12-2025 being a bylaw to authorize the Mayor and Clerk to execute an Agreement between the Corporation of the Town of Shelburne and His Majesty the King in right of Ontario, as represented by the Attorney General, for a Camera System Administrative Penalty Enforcement Program.

Background

In December 2024 Council received report [LS2024-09](#) and authorized the entering of a service agreement with Global Traffic Group Inc. for a three (3) year automated speed enforcement pilot project.

Analysis

AUTOMATED SPEED ENFORCEMENT(ASE) UPDATE

Given the scope of the project, this staff report is being submitted to provide Council with progress taken to date to move the ASE program forward.

The ASE system uses a camera and a speed measurement device to detect and capture images of vehicles traveling in excess of the posted speed limit.

As speeding on municipal roads is of concern, it is hoped that implementing the ASE program will promote compliance with the *Highway Traffic Act* (HTA) through the use of a camera-based system that will capture speed-related infractions on roads under municipal jurisdiction (in designated Community Safety Zones and/or School Zones).

The Senior Management Team have been meeting on a bi-weekly basis with Global Traffic Group to collaboratively move forward with implementing the ASE program.

ADMINISTRATIVE PENALTY SYSTEM (APS)

In order to implement the ASE program, the municipality is required to establish the program in accordance with provisions contained in the HTA.

As prescribed in the HTA, automated speed cameras can only be placed on roads where the speed limit is less than 80 km/hour, and where the selected road(s) falls within a designated community safety zone and/or school zone.

Notice is required to be provided to users of the road system, and prescribed signage is mandatory.

The Senior Management Team has been working with the service provider to determine locations and areas for camera installation based on current and historical speed data.

PENALTIES

Penalties to be collected for speeding on designated roads where the camera systems are installed are outlined in the *Highway Traffic Act*. Such penalties (fines) can be collected in one of two methods:

- Through the *Provincial Offences Act* (POA - where the infraction ticket is filed with the Courthouse); or
- Through the implementation of an Administrative Penalty System (this was approved by the Province in April 2022 through passage of [Ontario Regulation 355/22](#) under the HTA).

Through discussion and previous staff reports it was determined that the best collection method for penalties would be for the municipality to establish an Administrative Penalty System (APS).

Penalties resulting from speeding infractions on designated roads where the infraction has been captured by camera, are issued to the owner of the vehicle (not the driver). As the infraction under an ASE program is not deemed to be an “offence”, demerit points are not imposed, but rather a monetary penalty would be levied on the owner of the vehicle.

The APS mechanism is an effective, quick, clear and tangible method for regulators to respond to infractions of the law. Its efficiency removes the process from the POA court-based system to an administrative review model. Penalties are assessed and imposed in the form of a notice with a prescribed date and time for payment. While penalties do not lead to convictions or impose risk of imprisonment, administrative decisions can be made to deny license plate renewal.

Legislation ([O. Reg 355/22](#)) prescribes requirements for administrative penalties to provide the following:

- Only Provincial Offences Officers can issue a penalty order;
- Penalty orders are required to be issued within 23 days of the contravention taking place;
- If the contravener wishes to appeal an administrative penalty imposed as a result of an infraction captured by cameras, the appeal process is prescribed in the regulation.

NEXT STEPS

In order to implement the ASE program and APS bylaw, the municipality is required to:

- establish an administrative penalty system for contraventions detected using ASE cameras. Attached as Appendix 1 is a copy of the draft bylaw;
- enter into agreement with the Ministry of Transportation for use of personal information obtained from the MTO database. Attached as Appendix 2 is a copy of the draft bylaw;
- Enter into an agreement with the Ministry of Attorney General for camera system administrative penalty enforcement to allow for the municipality to report unpaid penalties to the Ministry's defaulted fine control centre – if the municipality notifies the centre of the unpaid penalty, the contravener's license plate will go into plate denial and they will not be able to renew their license plate without paying the amount owed. Attached as Appendix 3 is a copy of the draft bylaw;
- Conduct a privacy impact assessment and consult with the Information and Privacy Commissioner to ensure that personal data collected by the Joint Processing Centre is used only for its intended purpose – ASE enforcement and the issuance of notices where infractions have been captured. This has been completed.
- Enter into an agreement with the Township of Essa to act as the Joint Processing Centre for the Town of Shelburne during the three (3) year pilot project.
- Appoint Township of Essa staff members as Screening and Hearing Officers.

Staff will continue to work and meet with Global Traffic to continue the progress of implementing the ASE program.

Frequent progress reports will be provided to Council throughout the process.

Financial Impact

N/A

Policies & Implications (if any) Affecting Proposal

N/A

Consultation and Communications

Global Traffic Group and Senior Management

Council Priorities

Council's Priorities has three Pillars - Sustainable, Engaged and Livable. There are a total of 14 Priorities with the three Pillars.

This report aligns with the Sustainable, Engaged and Liveable Pillars within the Priorities of:

SP2 Invest in critical infrastructure and services for the future,

EP1 Promote effective partnerships,

L5 Expand people friendly transportation networks.

Supporting Documentation

Appendix 1 – Bylaw 10-2025 being a bylaw to establish and implement an administrative penalty system.

Appendix 2 - Bylaw 11-2025 being a bylaw to authorize the Mayor and Clerk to execute an automated speed enforcement administrative penalty agreement between the Corporation of the Town of Shelburne and His Majesty the King in right of Ontario as represented by the Minister of Transportation;

Appendix 3 - Bylaw 12-2025 being a bylaw to authorize the Mayor and Clerk to execute an Agreement between the Corporation of the Town of Shelburne and His Majesty the King in right of Ontario, as represented by the Attorney General.

Respectfully Submitted and prepared by:

Jennifer Willoughby, Director of Legislative Services/Clerk

Reviewed by:

Denyse Morrissey, CAO

THE CORPORATION OF THE [ENTER TOWN'S LEGAL NAME]

BY-LAW 10 - 2025

A By-law to establish and implement an Administrative Penalty System (APS) for Contraventions Detected Using Automated Speed Enforcement (ASE) Cameras, within the Town of Shelburne

WHEREAS Section 11 of the *Municipal Act*, R.S.O. 2001, c.25, authorizes municipalities to enact by-laws respecting matters within the sphere of jurisdiction of highways, including traffic on highways, in conjunction with the *Highway Traffic Act*; and

WHEREAS Section 128 of the *Highway Traffic Act* ("HTA"), R.S.O. 1990, c.H.8 as amended, establishes that the council of a municipality may, for motor vehicles driven on a highway or portion of a highway under its jurisdiction, by by-law prescribe a rate of speed that is not greater than 100 kilometres per hour and may prescribe different rates of speed for different times of day;

WHEREAS O. Reg. 355/22 under the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, authorizes the use of Administrative Penalties for vehicle-based contraventions captured by Automated Speed Enforcement Systems; and

WHEREAS Section 21.1 of the HTA and O. Reg. 355/22, authorizes municipalities to establish an administrative penalty system to promote compliance with the HTA and its Regulations, and impose an administrative penalty within a prescribed time period on a prescribed class of persons that have contravened or failed to comply with prescribed provisions of the HTA and its Regulations; and

WHEREAS the purpose of the Administrative Penalty System as established by the municipality is to assist with promoting compliance of its Speed Limit, Community Safety Zone and School Zone By-laws; and

WHEREAS sections 23.2, 23.3 and 23.5 of the *Municipal Act* authorizes municipalities to delegate their administrative and hearing powers; and

WHEREAS the Council of the Corporation of the Town of Shelburne considers it desirable to provide for a system of administrative penalties and administrative fees for the designated Sections of the HTA, or portions of the designated HTA Sections set out herein;

NOW THEREFORE Council of The Corporation of the Town of Shelburne hereby enacts as follows:

1.0 TITLE

- 1.1 This By-law shall be known and cited as the "Administrative Penalty By-law for Contraventions Detected Using Camera Systems".

2.0 DEFINITIONS

- 2.1 Where words and phrases used in this By-law are not defined herein but are defined in the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended from time to time or any successor thereof (the HTA), the definitions in the HTA shall apply.

- 2.2 In this By-law:

Administrative Fee – means any fee specified in this By-law or set out in Ontario Regulation 355/22 made under the *Highway Traffic Act*.

Administrative Penalty - means a monetary penalty as set out and calculated in accordance with Section 6 of O. Reg 355/22 made under the *Highway Traffic Act*.

A.P.S. – means Administrative Penalty System.

Designated Section - means a section or portions of sections of the HTA to which this APS By-law applies, as designated under this By-law.

Director – means the person performing the function or the functions of the municipality's Director of Legislative Services and/or their designate.

Hearing Decision - means a notice which contains the decision of a Hearing Officer, as set out in Section 6.10 of this By-law.

Hearing Officer - means a person who is appointed by Council to perform the duties of the Hearing Officer as set out in section 6 of this By-law, and meeting the requirements that a Hearing Officer cannot be a member of Council or an employee of the municipality. The Hearing Officer shall have knowledge of and experience in administrative law, such as a lawyer, retired lawyer, paralegal, retired paralegal, retired police officer, retired municipal clerk or retired municipal deputy clerk.

Holiday - means a Saturday, Sunday and any statutory holiday in the province of Ontario, or any day on which the offices of the Town of Shelburne are officially closed for business.

Officer (Provincial Offences Officer) - means a person employed by the Town of Shelburne designated as a Provincial Offences Officer by the Ministry of Transportation in accordance with s. 4 of O. Reg 355/22, that

being a person authorized to administer and enforce s. 128 of the *Highway Traffic Act* in relation to speeding infractions caught by an automated speed enforcement camera system.

Owner - means the person whose name appears on the permit for the vehicle as provided by the Ontario Ministry of Transportation, and if the vehicle permit consists of a vehicle portion and a plate portion and different persons are named on each portion, the person whose names appears on the plate portion;

Penalty Order - means an order made under Subsection 21.1(2) of the HTA.

Penalty Order Date - means the date of the contravention specified on the Penalty Order.

Penalty Order Number - means the reference number specified on the Penalty Order that is unique to that Penalty Order.

Person - includes an individual, a corporation, partnership, sole proprietorship, or an authorized representative thereof.

Provincial Offences Act- means the *Provincial Offences Act*, R.S.O., 1990, c.H.8, as amended from time to time, or any successor thereof.

Regulation - means O. Reg. 355/22, made under the HTA, as amended from time to time, or any successor thereof.

Request for Review by Hearing Officer - means the request which may be made in accordance with section 6 of this By-law for the review of a Screening Decision.

Request for Review by Screening Officer - means the request made in accordance with section 5 of this By-law for the review of a Penalty Order.

Review by Hearing Officer and Hearing - means the process set out in section 6 of this By-law.

Review by Screening Officer and Screening Review - means the process set out in section 5 of this By-law.

Screening Decision - means a notice which contains the decision of a Screening Officer, delivered in accordance with Section 5.7 of this By-law.

Screening Officer - means a person employed by the Town of Shelburne and appointed by Council pursuant to this By-law, who performs the duties of Screening Officer as set out in section 5 of this

By-law and meeting the requirements that a Screening Officer cannot be a Member of Council;

Statutory Powers Procedure Act - means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended from time to time, or any successor thereof; and

Town - means The Corporation of the Town of Shelburne.

3.0 APPLICATION OF THIS BY-LAW

3.1 In accordance with the HTA, or portions of the HTA, the following sections shall be designated sections for the purposes of Section 21.1(2) of the HTA:

a) Subsection 128(1);

3.2 Schedule “B” of this By-law sets out the Administrative Penalty Amounts for contraventions of the designated sections or portions of the designated sections of the HTA, as in accordance with section 6 of O. Reg 355/22. Where a discrepancy in the Administrative Penalty Amount occurs, the penalties outlined in section 6 of O. Reg 355/22 shall prevail.

4.0 PENALTY ORDER

4.1 An Officer who has reason to believe that a person has contravened a designated section, or portions of designated sections may issue a Penalty Order in accordance with this By-law set out in one or more of the following parts of the HTA:

a) Part XIV.1 “Automated Speed Enforcement”.

4.2 The Penalty Order shall include the following information:

a) Penalty Order number.

b) The provision contravened.

c) The date and location of the contravention.

d) An identification of the motor vehicle that is involved in the contravention.

e) The amount of the administrative penalty determined under section 6 of O. Reg 355/22.

- f) A statement that the owner of the motor vehicle must, no later than 30 days after the day the order is served on them, pay the administrative penalty unless they commence an appeal in accordance with O. Reg 355/22.
- g) A statement that the owner of the motor vehicle must, no later than 30 days after the day the order is served on them, commence an appeal in accordance with O. Reg 355/22.
- h) Information regarding the appeal process including the manner in which to commence an appeal.
- i) A copy of a photograph or image of the motor vehicle involved in the contravention may be included in the penalty order.
- j) The penalty order will include statements by the authorized person that are certified to be true in respect of the contraventions or in respect of the service of the penalty order.
- k) The penalty order shall be in the form specified by the municipality that employs the authorized person.

5.0 REVIEW BY SCREENING OFFICER

- 5.1 A person who is served a Penalty Order may, within 30 calendar days after the Effective Date of Service, may request that the Administrative Penalty be reviewed by a Screening Officer.
- 5.2 A request for a review, or for an extension of time to request a review, shall be in the form and manner as determined by the Director from time to time, and shall include the Penalty Order Number and the person's contact information. Where a request is made by a person who is not the Owner, the person shall submit with the request an authorized agent/representative form, in the form as determined by the Director from time to time. Incomplete forms or forms not submitted in the form and manner as determined by the Director may not be accepted or processed, at the discretion of the Director.
- 5.3 The Screening Officer may only extend the time to request a review of the Administrative Penalty when the person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Screening Officer will consider the request for extension before reviewing the Administrative Penalty.
- 5.4 Where an extension of time to request a review is not granted by the Screening Officer, the Administrative Penalty and any applicable

Administrative Fees shall be deemed to be affirmed and shall not be subject to review.

- 5.5 Where neither a review nor an extension of time for review are requested in accordance with this By-law, or where the person fails to request a review within any extended period of time granted by the Screening Officer:
- a) The person shall be deemed to have waived the right to a screening and a hearing;
 - b) The Administrative Penalty, and any applicable Administrative Fees, shall be deemed to be affirmed; and
 - c) The Administrative Penalty, and any applicable Administrative Fees, shall not be subject to review.
- 5.6 Upon review of an Administrative Penalty, the Screening Officer may affirm the Administrative Penalty including any applicable Administrative Fees, or the Screening Officer may cancel or reduce the Administrative Penalty or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:
- a) Where the Screening Officer is satisfied, on a balance of probabilities, that a contravention of section 128 of the HTA, was not proven as set out in the Penalty Order; or
 - b) Where the Screening Officer is satisfied, on a balance of probabilities, that the cancellation, reduction or extension of the time for payment of the Administrative Penalty, including any applicable Administrative Fees, is necessary to reduce any undue hardship.
- 5.7 Every person who has been granted a review by the Screening Officer shall be sent a copy of the Screening Decision as soon as is practical after the decision has been made, in accordance with Section 7.3 of this By-law.

6.0 REVIEW BY HEARING OFFICER

- 6.1 Any person to whom a Screening Decision is issued may request a review of the Screening Decision by a Hearing Officer within 30 calendar days after the date on which the Screening Decision was issued.
- 6.2 A request for a review by the Hearing Officer, or for an extension of time to request a review before the Hearing Officer, shall be in the form and manner as determined by the Director from time to time, and shall include the Penalty Order Number and the person's contact information. Where a request is made by a person who is not the Owner, the person shall

submit with the request an authorized agent/representative form, in the form as determined by the Director from time to time. Incomplete forms or forms not submitted in accordance with the form and manner as determined by the Director may not be accepted or processed, at the discretion of the Director.

- 6.3 The Hearing Officer may only extend the time to request a review of the Screening Decision where the person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Hearing Officer will consider the request for extension before reviewing the Screening Decision.
- 6.4 Where an extension of time for a hearing review is not granted by the Hearing Officer, the Screening Decision shall be deemed to be affirmed and shall not be subject to review.
- 6.5 Where neither a hearing review nor an extension of time for a hearing review are requested in accordance with this By-law, or where the person fails to request a hearing review within any extended period of time granted by the Hearing Officer:
 - a) The person shall be deemed to have waived the right to a hearing review.
 - b) The Screening Decision shall be deemed to be affirmed; and
 - c) The Screening Decision shall not be subject to review.
- 6.6 Upon review of the Screening Decision, the Hearing Officer may affirm the Screening Decision, or the Hearing Officer may cancel, reduce or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:
 - a) Where the Hearing Officer is satisfied, on a balance of probabilities, that a contravention of section 128 of the HTA was not proven as set out in the Penalty Order; or
 - b) Where the Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction or extension of the time for payment of the Administrative Penalty, including any Administrative Fees, is necessary to reduce any undue hardship.
- 6.7 A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the person and the Town an opportunity to be heard.
- 6.8 The hearing shall be subject to the *Statutory Powers Procedure Act*.

- 6.9 In making a determination, the Hearing Officer may consider and rely on documentation as outlined in s.13(3) of O. Reg 355/22. Those items being photographs or images taken by the camera system; certified statements of the Officer that imposed the penalty order; certified documents setting out the name/address of the person who is subject to the penalty order; a description of the permit and the number plate of the motor vehicle; statements made by the appellant (either in writing or in the manner in which the appeal is conducted); statements by or on behalf of the municipality in which the contravention that is the subject of the penalty order occurred, made in the manner in which the appeal is conducted; any other information, materials or submissions that the Hearing Officer considers to be credible or trustworthy in the circumstances.
- 6.10 The person requesting the hearing shall be served with a copy of the Hearing Decision as soon as practicable after the review is complete.
- 6.11 The decision of a Hearing Officer is final.
- 6.12 Where notice has been given in accordance with this By-law, and the person fails to appear at the time and place scheduled for a review by the Hearing Officer:
- a) The person shall be deemed to have abandoned the hearing; and
 - b) The Screening Decision shall be deemed to be affirmed; and

7.0 SERVICE OF DOCUMENTS

- 7.1 Service of a Penalty Order in any of the following ways is deemed effective by:
- a) A penalty order may be served on the person who is subject to the order by sending the order to the most recent address that appears on the Ministry of Transportation's records in respect of the holder of the plate portion of the permit for the motor vehicle involved in the contravention.
 - b) If the authorized person who imposed the penalty order believes that the person who is subject to the order resides outside Ontario or, in the case of a corporation has its principal place of business outside Ontario, the penalty order may be served on the person by sending the order by mail or by courier to the address outside Ontario at which the authorized person believes the person resides or has its principal place of business.
 - c) The address mentioned in subsection (b) may be determined from a document obtained from the government of any province or territory of

Canada or from the government of a state of the United States of America, or from a person or entity authorized by any such government to keep records of vehicle permits, number plates or other evidence of vehicle ownership in that jurisdiction.

- d) Service of a penalty order mailed or couriered in accordance with this section is deemed to be served on the seventh (7th) day following the day on which it was mailed or couriered.
- 7.2 For purposes of this By-law, the last known address of the Owner shall be the address as set out on the vehicle ownership or, where an updated address has been provided in writing by the Owner to the Enforcement Services offices of the Town at the time of service, such updated address.
- 7.3 Any Penalty Order or document sent in writing to the Owner by regular mail, as set out in this By-law, is deemed to have been served on the seventh (7th) calendar day after the date of mailing.
- 7.4 Service of any document or notice (other than a Penalty Order) on an authorized representative of the Owner shall be deemed service on the Owner.

8.0 ADMINISTRATION

8.1 The Director and/or their designate shall administer this By-law.

8.2 The Director may:

- a) Designate the location within the Town of Shelburne for conducting reviews and hearings under this By-law, as well as setting the time(s) for such reviews and hearings.
- b) Prescribe all forms, notices, including the Penalty Order, guidelines, processes, policies and procedures necessary to implement the By-law and the administrative penalty system, and to amend such forms, notices, guidelines, procedures and processes from time to time as the Director deems necessary; and

8.3 Any Administrative Fee(s) prescribed within Schedule “A” of this By-law shall be added to, and deemed to be, part of the Administrative Penalty amount unless otherwise rescinded by the Hearing Officer.

- i. In accordance with s. 14 of O. Reg 355/22, if the appellant fails to attend any stage of an appeal, the amount of the penalty shall be increased by \$60.00

9.0 GENERAL PROVISIONS

- 9.1 A Penalty Order that is paid prior to a screening review shall be deemed as final and will not be subject to screening, unless there is an error on the face of the Penalty Order as determined by the Director.
- 9.2 Unless otherwise stated in this By-law, an Administrative Penalty is due and payable within 30 calendar days following the Effective Date of Service.
- 9.3 Where an Administrative Penalty, including any Administrative Fees, is affirmed or reduced by a Screening Officer or a Hearing Officer, the Administrative Penalty and any Administrative Fees shall be due and payable on the date specified in the Screening Decision or Hearing Decision, as the case may be.
- 9.4 Where an Administrative Penalty, including any Administrative Fees, is not paid within 30 calendar days after it has become due and payable, the Town may notify the Ministry of Transportation of the default. Plate denial is at the discretion of the Ministry of Transportation. If the Ministry of Transportation does deny a plate renewal, they would be responsible to charge and collect the associated fee.
- 9.5 All amounts due and payable to the Town pursuant to this By-law constitute a debt to the Town.
- 9.6 Where a person makes a request for an extension of time for payment, and the request is granted, the date on which the Administrative Penalty is due and payable shall be the date established in accordance with the extension of time, and:
 - a) the Penalty Order will not be subject to the Late Payment Fee, until the time for payment has expired, and then in accordance with the provisions herein; and
 - b) the enforcement mechanisms available to the Town shall be suspended until the extension of time has expired and then shall apply in accordance with the provisions herein.
- 9.7 Where a person has paid an Administrative Penalty or an Administrative Fee that is cancelled or reduced by a Screening Officer or Hearing Officer, the Town shall refund the amount cancelled or reduced.
- 9.8 No Officer may accept payment in respect of an Administrative Penalty or Administrative Fee.

- 9.9 Payments of an Administrative Penalty or Administrative Fee must be received by the date on which they are due and payable, or any extended due date in accordance with this By-law and will not be credited until received by the Town.
- 9.10 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.
- 9.11 An authorized representative is permitted to appear on behalf of a person at a Screening Review or Review by Hearing Officer or to communicate with the Town of Shelburne staff on behalf of a person where a written Authorization to Act as an Agent form has been provided.
- 9.12 Any person claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the Screening Officer or Hearing Officer, as applicable.
- 9.13 All Administrative Penalties associated with automated speed enforcement are administered and calculated in accordance with O. Reg 355/22 made under the *Highway Traffic Act*.

10.0 SEVERABILITY

- 10.1 Should any provision, or any part of a provision, of this By-law, be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

11.0 OFFENCES

- 11.1 Any person who:

- a) Makes a false, misleading or fraudulent statement in relation to a Penalty Order, or on any form submitted to the Town in relation to a Penalty Order; or
- b) Obstructs an Officer exercising any authority under this By-law,

is guilty of an offence and, upon conviction, is subject to a penalty in accordance with s.128(1) of the *Highway Traffic Act* section 128(1), O. Reg 355/22 and 398/19.

- 11.2 No person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically or otherwise with the Screening Officer or

Hearing Officer respecting a Penalty Order and/or respecting a Power of Decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer.

11.3 Any person who contravenes Section 11.2 is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the *Provincial Offences Act*.

12.0 EFFECTIVE DATE

12.1 This By-law shall come into force and effect upon the date it is finally passed.

By-law read a first, second and third time and enacted this 24th day of February 2025.

Mayor, Wade Mills

Clerk, Jennifer Willoughby

SCHEDULE "A" TO BY-LAW 10-2025

Administrative Penalty Amounts for Automated Speed Enforcement

Excerpt from O. Reg. 355/22

6. (1) The amount of the administrative penalty shall be the sum of the following amounts:

1. In respect of a contravention of subsection 128 (1) of the Act, the amount determined in accordance with the following formula,

$$A \times B$$

in which,

“A” is the number of kilometres per hour by which the person driving the motor vehicle exceeds the speed limit set out in subsection 128 (1) of the Act, and

“B” is the penalty rate set out in Column 2 of Table 1 that is opposite the value of “A” described in Column 1 of Table 1.

2. \$8.25, to reflect costs incurred by the authorized person to access the name and most recent address of the person who is subject to the penalty order.
 3. The amount determined under subsections (2) to (4) as applicable, to be credited to the victims’ justice fund account in accordance with O. Reg 355/22 section 19.
- (2) For a contravention of subsection 128 (1) of the Act, the amount mentioned in paragraph 6 of subsection (1) is,
- (a) if the amount determined under paragraph 1 of subsection (1) is \$1000 or less, the amount set out in Column 2 of Table 2 that is opposite the amount determined under paragraph 1 of subsection (1) described in Column 1 of Table 2; or
 - (b) if the amount determined under paragraph 1 of subsection (1) is greater than \$1000, the amount that is 25 per cent of that amount.

TABLE 1

Item	Column 1 Kilometres per hour over the maximum speed limit	Column 2 Penalty rate in community safety zone or school zone
1.	1 to 19 kilometres per hour over the maximum speed limit	\$5.00 per kilometre
2.	20 to 29 kilometres per hour over the maximum speed limit	\$7.50 per kilometre
3.	30 to 49 kilometres per hour over the maximum speed limit	\$12.00 per kilometre
4.	50 kilometres per hour or more over the maximum speed limit	\$19.50 per kilometre

TABLE 2

Item	Column 1 Amount determined under paragraph 1 of subsection (1) of this section	Column 2 Amount mentioned in paragraph 6 of subsection (1) of this section
1.	\$0 - \$50	\$10
2.	\$51 - \$75	\$15
3.	\$76 - \$100	\$20
4.	\$101 - \$150	\$25
5.	\$151 - \$200	\$35
6.	\$201 - \$250	\$50
7.	\$251 - \$300	\$60
8.	\$301 - \$350	\$75
9.	\$351 - \$400	\$85
10.	\$401 - \$450	\$95
11.	\$451 - \$500	\$110
12.	\$501 - \$1000	\$125

Decision

O. Reg 355/22 - 14(3) if the appellant failed to attend any stage of an appeal, in accordance with subsection 12(2), the amount of the penalty shall be increased by \$60,

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW #11-2025

Being a By-Law to authorize the Mayor and Clerk to execute an Automated Speed Enforcement Administrative Penalty Agreement between the Corporation of the Town of Shelburne and His Majesty the King in right of Ontario as represented by the Minister of Transportation.

WHEREAS Section 8 of the *Municipal Act* 2001, S.O. 2001, c.25, provides a municipality with the capacity, rights, powers and privileges for the purpose of exercising its authority; and

WHEREAS 0. Regulation 355/22 made under the *Highway Traffic* enables the use of Administrative Penalties for vehicle-based contraventions captured by automated enforcement systems (ie: Automated Speed Enforcement, Red Light Cameras, School Bus Cameras and Streetcar Cameras); and

WHEREAS the Town of Shelburne will require access to licensed information contained in the Ministry of Transportation computer databases in relation to administrative penalty proceedings conducted pursuant to Ontario Regulation 355/22 under the *Highway Traffic Act* for contraventions of section 128 of the *Highway Traffic Act*, based on evidence obtained through use of an Automated Speed Enforcement System;

WHEREAS Council of the Corporation of the Town of Shelburne deems it necessary and desirous to enter into an Agreement with the Ministry of Transportation for the purpose of implementing Automated Speed Enforcement Administrative Penalties;

NOW THEREFORE Council of the Corporation of the Town of Shelburne hereby enacts as follows:

- 1) THAT the Mayor and Clerk be and are hereby authorized to execute an Automated Speed Enforcement Administrative Penalty Agreement between the Corporation of the Town of Shelburne and His Majesty the King in right of Ontario as represented by the Minister of Transportation
- 2) THAT this By-law shall come into force and take effect immediately upon the passing thereof.

By-law read a first, second and third time in Open Council, and enacted this 10th day of March 2025.

MAYOR

CLERK

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW #12-2025

Being a By-law to authorize the Mayor and Clerk to execute an Agreement between the Corporation of the Town of Shelburne and His Majesty the King in right of Ontario, as represented by the Attorney General, for a Camera System Administrative Penalty Enforcement Program.

WHEREAS Section 8 of the *Municipal Act* 2001, S.O. 2001, c.25, provides a municipality with the capacity, rights, powers and privileges for the purpose of exercising its authority; and

WHEREAS Section 21.1 of the *Highway Traffic Act* ("HTA") allows for administrative penalties to be imposed; and

WHEREAS Subsection.21.1(14) of the HTA allows for the Lieutenant Governor in Council to make regulations governing administrative penalties, including regulations that govern whether a prescribed portion of a penalty paid shall be credited to the Victims' Justice Fund Account continued under the *Victims' Bill of Rights*, 1995, and authorize the imposition of late payment fees for penalties that are not paid before the specified deadline; and

WHEREAS the Ministry of Attorney General maintains the Defaulted Fines Control Centre (DFCC), which is capable of transmitting to the Registrar of Motor Vehicles requests to refuse to issue or validate a vehicle permit, and the Town of Shelburne may request access to the DFCC for the purpose of enforcing an administrative penalty under the authority of Ontario Regulation 355/22; and

WHEREAS the Town of Shelburne has entered into the required Administrative Penalty Agreement with the Ministry of Transportation to establish an Administrative Penalty Program for contraventions detected using camera systems; and

WHEREAS the Town of Shelburne and the Ministry of Attorney General also wish to enter into an Agreement that governs:

- a) the municipality's access to the DFCC to transmit requests to the Registrar of Motor Vehicles to refuse to issue or validate vehicle permits for unpaid administrative penalties and for the remittance of penalty amounts collected by MTO to the municipality; and
- b) the arrangements for the portion of the administrative penalty to be remitted by the municipality to the Ministry of Attorney General to be credited to the victims' justice fund.

NOW THEREFORE Council of the Corporation of the Town of Shelburne hereby enacts as follows:

- 1) THAT the Mayor and Clerk be and are hereby authorized to execute the Agreement between the Corporation of the Town of Shelburne and His Majesty the King in right of Ontario, as represented by the Attorney General, for a Camera System Administrative Penalty Enforcement Program.
- 2) THAT this By-law shall come into force and take effect immediately upon the passing thereof.

By-law read a first, second and third time in Open Council, and enacted this 10th day of March 2025.

MAYOR

CLERK