

**Subject:** AMPS By-law Amendments

**Staff Report No.** CPS-029-24

**Department/  
Commission:** Corporate Services Commission

**Date:** November 20, 2024

**Recommendation:**

- 1) That Council direct staff to bring forward a by-law to amend the AMPS By-law 2024-039-RE at the December 11, 2024 meeting.

**Report Highlights**

- Updates to the existing AMPS By-law to accommodate ASE legislation with updated timelines and streamlined penalty processing.
- Enhanced definitions and procedures ensure transparency and align the AMPS By-law with provincial standards.
- The proposed changes support efficient service delivery, consistent dispute handling, and readiness for ASE and other AMPS expansions.

**1. Purpose:**

This report provides an overview of the proposed amendments to the Administrative Monetary Penalty System (AMPS) By-law. These changes are designed to modernize the By-law and incorporate legislative requirements necessary for implementing Automated Speed Enforcement.

The proposed updates aim to strengthen the AMPS Program at the Town, enhance public transparency, and allow for the inclusion of additional by-law violations into the AMPS framework. Additional By-laws will be incorporated into the AMPS Program using a phased approach, as resources allow, to address community and operational needs starting in Q1 2025.

## 2. Background:

On April 24, 2024, Council approved the introduction and implementation of an AMPS Program to be launched on May 8, 2024. In preparation for the AMPS Program launch, By-law amendments were made, new Penalty Notices ordered and a number of new and legislatively required policies were developed.

The benefits of the Town’s new AMPS Program were realized very quickly as it immediately introduced a quicker and more-efficient dispute resolution system, significantly improved accessibility and customer experience through the Town’s online services and modernized the way by-law violations were processed.

Following a highly successful launch and initial operational phase, the impending implementation of Automated Speed Enforcement (ASE), along with several best-practice provisions, has led to proposed amendments to the existing by-law. These updates aim to modernize the by-law to meet current needs and support the further expansion of our effective AMPS protocols.

## 3. Analysis:

There are a number of legislative requirements related to the Town’s implementation of Automated Speed Enforcement. Some of those requirements related to the time permitted to initiate a dispute or challenge a Penalty from the date of issue. At present, customers must pay or dispute a Penalty Notice within 15-days of the date of issue. Furthermore, Penalty Notices that are in default after 15-days are subject to being transferred to the Defaulted Fines Control Centre (Plate Denial) for parking matters or be transferred to a property’s tax account for non-parking matters.

Necessary revisions must be made to the existing AMPS By-law to accommodate legislative requirements. Staff also took the opportunity to modernize the By-law by adding best-practice approaches to AMPS regulations and ensure that various provisions are in line with those of the Town’s third-party service provider for Hearings and with those commonly used and proven successful across the Province.

Table 1 below identifies the significant changes proposed to the existing AMPS By-law. Minor wording changes, not identified in the Table below were also made to the By-law to ensure greater transparency and for ease of interpretation.

**Table 1: Summary of significant additions and deletions to the current AMPS By-law**

Change Type	Section	Description of Change
Deletion	Section 2 – Definitions	Adjudication Fee – definition removed as the fee has been removed from Schedule ‘B’

Modification	Section 2 – Definitions	Administrative Fee – updated to include reference to Highway Traffic Act (HTA)  Screening Officer – updated to include reference to HTA
Addition	Section 2 – Definitions	Appellant – defines individual challenging an Administrative Penalty  Appeal – defines process for disputing penalties  Contravention – specifies non-compliance with Schedule ‘A’ or HTA  Issuing Officer – expanded to include multiple enforcement roles authorized by the Town  Penalty Order –distinguishes tickets issued for ASE (Penalty Orders) vs tickets issued for all other AMPS violations (Penalty Notices)  Plate Search Fee – administrative fee to cover cost of searches in Schedule ‘B’  Vary – reduction or time extension for paying an Administrative Penalty  Victim Component Fee – clarifies collection to support criminal offense victims per Ontario Regulation 355/22
Modification	Section 3 – Application of this By-law	Added language to tie contraventions under the HTA and penalties for contraventions using camera systems
Addition	Section 4 – Procedural Requirements	Notes procedural steps for issuing, notifying of and appealing of Administrative Penalties
Modification	Section 5 – Penalty Notice	Section number changed from 4 to 5  Section is the same as original by-law with amendment to time for payment from 15-days to 30-days to accommodate ASE Legislation and to make the payment and dispute times consistent across all violation types
Addition	Section 6 – Penalty Order	Sets out issuance of Penalty Orders for contraventions of the HTA
Addition	Section 7 – Appeal Process of Administrative Penalties	Outlines steps and timelines for appeals, including actions to be taken by Screening and Hearing Officers
Modification	Section 8 – Review by Screening Officer	Section number changed from 5 to 8  Section is the same as original by-law with minor wording changes

Modification	Section 9 – Review by Hearing Officer	Section number changed from 6 to 9  Section is the same as original by-law with minor wording changes
Addition	Section 10 – Conduct of an Appeal	Standardized appeal methods (in-person, virtual, etc.), with notice requirements and abandonment procedures
Addition	Section 11 – Determination of an Appeal	Guidelines for decision-making by Screening or Hearing Officers, including undue hardship considerations to ensure consistency when reviewing these matters
Addition	Section 12 – Decision	Outlines decision authority and circumstances for varying or cancelling Administrative Penalties based on undue hardship or exceptional circumstances to assist Screening and Hearing Officers and ensure consistency when reviewing these matters
Modification	Section 13 – Service of Documents	Section number changed from 7 to 13  Section is the same as original by-law with minor wording changes
Modification	Section 14 – Administration	Section number changed from 8 to 14  Section is the same as original by-law with minor wording changes
Modification	Section 15 – General Provisions	Section number changed from 9 to 15  Section is the same as original by-law with amendment to time for payment from 15-days to 30-days and plate denial/transfer to tax from 45-days to 60-days
Modification	Section 16 – Offences	Section number changed from 11 to 16
Modification	Section 17 – Severability	Section number changed from 10 to 17
Addition	Section 18 – Interpretation	Clarifies interpretation of language between the By-law and the HTA
Modification	Section 19 – Administrative Dates	Section number changed from 12 to 19  Indicates that the by-law will be effective February 1, 2025
Modification	Schedule 'B' – Administrative Fees	Removes adjudication fee because ASE Legislation does not permit additional fees of this type  Increases non-appearance fees from \$50 to \$60 for both Screening and Hearings as a best-practice approach and to recover costs

The changes identified in the Table above and proposed amendments to the By-law were made with a review of other municipalities' similar By-laws and staff have harvested the best provisions for the Town of Stouffville AMPS By-law. Staff believe these changes will provide greater operational efficiency, a consistent approach to disputed matters and better overall service delivery. Furthermore, with the impending implementation of Automated Speed Enforcement and planned AMPS expansion for other violations, these changes will be highly effective for operational efficiency. Finally, staff have worked hard to ensure consistency, where possible, with the Town of Newmarket's AMPS By-law given our partnership with them.

#### **4. Options:**

##### **4.1 Option A (Recommended)**

That Council direct staff to bring forward a by-law to amend the AMPS By-law 2024-039-RE at the December 11, 2024 meeting.

#### **5. Financial Implications:**

There are no significant financial implications related to the proposed amendment to the AMPS By-law.

Staff will report back to Council on the financial impact of the AMPS and ASE Programs immediately after the anticipated one-year anniversary of the ASE Program in Q1 – 2026.

#### **6. Broader Intergovernmental Impacts and/or Considerations:**

The Regional Traffic By-law has now come under AMPS for parking, allowing the Town's officers to issue AMPS tickets for parking violations on regional roads.

#### **7. Communication:**

None.

#### **8. Alignment with Strategic Plan:**

1. Good Governance  
Provide Good Governance

2. Organizational Effectiveness  
To Elevate our Organizational Effectiveness

## **9. Attachments:**

Attachment 1 – Draft Administrative Monetary Penalty System By-law Amendment

## **10. Related Reports:**

CPS-009-24 Implementation of an Administrative Monetary Penalty System (AMPS) – Update

CPS-026-24 Administrative Monetary Penalty System Update

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