



BY-LAW NO. 2025-0019

A By-law to establish an Administrative Penalty System for Automated Speed Enforcement in Halton Hills.

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 (Municipal Act) authorizes municipalities to enact by-laws respecting highways, including traffic on highways;

AND WHEREAS Section 21.1 of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended authorizes municipalities to establish an administrative penalty system to promote compliance with the Highway Traffic Act and its regulations;

AND WHEREAS Section 205.1 (1) of the Highway Traffic Act permits the use of an automated speed enforcement system in a community safety zone designated by by-law where the prescribed rate of speed is less than 80 kilometres per hour;

AND WHEREAS Ontario Regulation 355/22 Administrative Penalties for Contraventions Detected Using Camera Systems under the Highway Traffic Act sets out the penalty rates for speeding in a community safety zone;

AND WHEREAS Ontario Regulation 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 and administrative penalty imposed under Section 21.1 of the Highway Traffic Act;

AND WHEREAS the Council for the Town of Halton Hills considers it desirable to provide for a system of administrative penalties and administrative fees for enforcement in community safety zones

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 For the purpose of this By-law:

“Administrative Penalty” means an administrative penalty as set out in Ontario Regulation 355/22 imposed for contravention of the speed limit in a community safety zone designated by Uniform Traffic Control By-law 2024-0105;

“Automated Speed Enforcement System” means a system that is used in accordance with Part XIV.1 of the Highway Traffic Act and Ontario Regulation 355/22;

“Council” means the Council for the Corporation of the Town of Halton Hills;

“Hearing Officer” means a person who performs the functions of a Hearing Officer in accordance with this By-law;

“Hearing” means the review of a Screening Decision by a **Hearing Officer**.

“Motor Vehicle” means as defined in the Highway Traffic Act;

“Ministry” means the Ministry of Transportation for Ontario;

“**O.Reg. 355/22**” means the Regulation 355/22 Administrative Penalties for Contraventions Detected using Camera Systems under the Highway Traffic Act;

“**Owner**” in relation to a **motor vehicle** means,

- a) the holder of the permit for the **motor vehicle**, or
- b) if the **motor vehicle** permit consists of a vehicle portion and plate portion and different persons are named on each portion, the person whose name appears on the plate portion;

“**Penalty Order**” means an order made under Section 3 of this By-law;

“**Provincial Offences Officer**” for the purposes of this By-law:

“**Screening Officer**” means a person who performs the functions of a Screening Officer in accordance with this By-law;

“**Screening Review**” means the review of a **penalty order** by a Screening Officer.

“**Town**” means the Corporation of the Town of Halton Hills;

“**User Fees By-law**” means the **Town** By-law adopted from time to time, for imposing fees or charges with respect to services or activities provided, related costs payable, and the use of its property.

2. APPLICATION

- 2.1 A **penalty order** may not be issued for contravention of the speed limit in a community safety zone unless evidence is obtained through the use of an **automated speed enforcement system**.

3. PENALTY ORDER

- 3.1 If a **Provincial Offences Officer** is satisfied that evidence has been obtained through the use of an **automated speed enforcement system** that a person has contravened the speed limit in a community safety zone as set out in the Traffic By-law, the **Provincial Offences Officer** may, by **penalty order**, impose an **administrative penalty** on the **owner** of the **motor vehicle**, whether or not the **owner** was the driver of the **motor vehicle** at the time of the contravention.
- 3.2 The **administrative penalty** shall be in the amount specified by O. Reg 355/22.
- 3.3 An **Administrative Penalty** may only be imposed within twenty-three (23) days after the day on which the contravention occurred.
- 3.4 The **Penalty Order** shall contain the information required by O. Reg 355/22, including:
 - a) a unique file 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**;
 - 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 section 7 of this By-law;

- g) a statement that the **owner** of the **motor vehicle** may, no later than 30 days after the day the order is served on them, commence an appeal in accordance with section 7 of this By-law; and
- h) information regarding the appeal process including the manner in which to commence an appeal.

3.5 A copy of a photograph or image of the **motor vehicle** involved in the contravention may be included in the **penalty order**.

3.6 The **penalty order** may include statements by a **Provincial Offences Officer** that are certified to be true in respect of the contravention or in respect of the service of the **penalty order**.

4. SERVICE OF THE PENALTY ORDER

4.1 A **penalty order** may be served on the person who is subject to the order by sending the order by mail or by courier to the most recent address that appears on the **Ministry's** records in respect of the holder of the plate portion of the permit for the **motor vehicle** involved in the contravention.

4.2 If a **Provincial Offences Officer** believes that the person who is subject to the order resides outside of Ontario or, in the case of a corporation, has its principal place of business outside of 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 **Provincial Offences Officer** believes the person resides or has its principal place of business.

4.3 The address mentioned in subsection 4.2 of this By-law 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.

4.4 Service of a **penalty order** mailed or couriered is deemed to be effected on the seventh (7th) day following the day on which it was mailed or couriered.

5. PAYMENT OF AN ADMINISTRATIVE PENALTY

5.1 The person who is subject to a **penalty order** shall pay the **administrative penalty** to the **Town** within thirty (30) days after the date on which service of the order is deemed to be effected unless the person has commenced an appeal with a Screening Officer.

5.2 If an appeal does not result in the **penalty order** being set aside, the person who is subject to the order shall pay the **administrative penalty** to the **Town** within thirty (30) days after:

- a) the date of the Screening Decision, if no request for a review by a **Hearing Officer** was made in accordance with section 8 of this By-law; or
- b) the date of the decision of the **Hearing Officer**.

5.3 Payment of an **administrative penalty** must be received by the due date and will not be credited until received by the **Town**.

5.4 The Clerk may authorize a plan of periodic payments.

5.5 Once an **administrative penalty** has been paid or forwarded to the **Ministry** in accordance with subsection 6.1, a **Screening review** or **Hearing** shall not be granted.

6. CONSEQUENCES FOR FAILURE TO PAY

- 6.1 If an **Administrative Penalty** is not paid within the thirty (30) day period set out in subsections 5.1 or 5.2 of this By-law or in accordance with a plan of periodic payments approved under 5.4 of this By-law, the **Town** may notify the **Ministry** and the **Ministry** will collect payment of the **administrative penalty**, and;
- a) the person who is subject to the **penalty order** shall pay a late payment fee as set out in O. Reg 355/22 for enforcement purposes, which fee shall be included in the amount of the **administrative penalty**; and
 - b) issuance and validation of a permit may be refused to the **owner** of the **motor vehicle** who is subject to the **penalty order** until the penalty is paid.

7. REVIEW BY A SCREENING OFFICER

- 7.1 A person who is subject to a **penalty order** may request that the penalty be reviewed by a Screening Officer.
- 7.2 The request for a review by a **Screening Officer** shall be made in the manner set out in the **penalty order** within thirty (30) days after the date on which service of the order is deemed to have been effected.
- 7.3 It is the appellant's responsibility to provide the **Town** with their current and correct telephone number and email address.
- 7.4 The **Screening Officer** may confirm, vary or set aside the **penalty order** shall do so as soon as practicable after the review is complete.
- 7.5 In deciding whether to confirm, vary or set aside a **penalty order**, the **Screening Officer** shall determine whether it was reasonable for the **Provincial Offences Officer** to impose the **penalty order** and may consider the information included in subsection 9 (1) of this By-law.
- 7.6 If a person has not requested a **Screening Review** on or before the date on which the penalty is due and payable, the person may request that the **Screening Officer** extend the time to request a **Screening Review** in accordance with section 7.7 of this By-law within thirty (30) days of the date of the service of the penalty notice.
- 7.7 A person's request for a **Screening Review** or request for an extension of time to request a **Screening Review** shall be exercised by:
- a) submitting an online request for a **Screening Review** by accessing the portal through the **Town's** website provided on the penalty notice together with all relevant documents; or
 - b) attending in person or by an authorized representative at the location listed on the Penalty Notice to request a **Screening Review** and to submit all relevant documents.
- 7.8 The **Screening Officer** may grant a request to extend the time to request a **Screening Review** within the time prescribed in Section 7.6 of this By-law, where a person demonstrates, to the satisfaction of the Screening Officer, the existence of extenuating circumstances.
- 7.9 Where an extension of time is not granted by the Screening Officer, the **administrative penalty** is deemed to be affirmed.
- 7.10 The **Screening Officer** shall send a copy of the decision to the appellant by electronic means as soon as practical after the decision is made.

8. REVIEW BY HEARING OFFICER

- 8.1 Where an **Administrative Penalty** has not been cancelled, a person may request a **Hearing** within fifteen (15) days of the date of service of the decision of a Screening Officer.
- 8.2 The appellant shall be notified that their request for a **Hearing** has been received.
- 8.3 The **Hearing Officer** may confirm, vary or set aside the Screening Decision. This may include confirming, varying or setting aside the penalty notice.
- 8.4 In deciding whether to confirm, vary or set aside a **penalty order**, the **Hearing Officer** shall determine whether the Screening Decision was reasonable and may consider the information included in subsection 9.1 of this By-law.
- 8.5 The appellant may request that the **Hearing Officer** extend the thirty (30) day period to request a Hearing. If the **Hearing Officer** considers it fair and appropriate in the circumstances, they may extend the thirty (30) day period to request a Hearing.
- 8.6 Where an extension of time is not granted by the **Hearing Officer**, the **administrative penalty** is deemed to be affirmed.
- 8.7 A request for a **Hearing** or for an extension of time to request a **Hearing** shall include the **penalty order** number and the person's contact information. The **Hearing Officer** will consider the request for extension before commencing a Hearing.
- 8.8 The **Hearing Officer** shall send a copy of their decision to the appellant by electronic means as soon as practical after the decision is made.
- 8.9 Subject to subsection 8.5 of this By-law, where a person fails to request a **Hearing** or extension of time in accordance with this By-law:
- a. the person shall be deemed to have waived the right to a Hearing;
 - b. the Screening Decision and **administrative penalty** shall be deemed affirmed; and
 - c. the Screening Decision and the **administrative penalty** shall not be subject to review.
- 8.10 Where the appellant fails to appear at the Hearing:
- a) the appellant shall be deemed to have abandoned the Hearing;
 - b) the Screening Decision and the **administrative penalty** shall be deemed to be affirmed; and
 - c) the appellant shall pay to the **Town** a no-show fee as set out in the Town's **User Fees By-law**, which shall be applied to the **administrative penalty**.
- 8.11 The decision of the **Hearing Officer** is final.

9. CONSIDERATIONS REGARDING DECISION

- 9.1 In deciding whether to confirm, vary or set aside a **penalty order**, the **Screening Officer** or **Hearing Officer** may consider the following information, if available:
- a) photographs or images taken by the camera system;
 - b) statements, including certified statements, made by the **Provincial Offences Officer** who imposed the **penalty order**;
 - c) documents, including certified documents, setting out the name and address of the person who is subject to the order, a description of the permit and the number plate of the **motor vehicle**;

- d) statements by the appellant, made either in writing or in the manner in which the appeal is conducted;
- e) statements by or on behalf of the **Town**, made either in writing or in the manner in which the appeal is conducted;
- f) any other information, materials or submissions that the **Screening Officer** or **Hearing Officer** considers to be credible or trustworthy in the circumstances.

10. GENERAL

- 10.1 A **Screening Officer** or **Hearing Officer** does not have jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.
- 10.2 If, before a final decision is made by a **Screening Officer** or **Hearing Officer**, they become aware that the person who is subject to the **penalty order** is charged with an offence under the Highway Traffic Act for the same contravention, the **Screening Officer** or **Hearing Officer** shall set aside the **penalty order**.
- 10.3 The **Town** may impose fees as set out in the **User Fees By-law** for services rendered, including but not limited to the provision of transcripts, reproduction and mailing fees.
- 10.4 Fees for services in accordance with subsection 10.3 shall:
 - a) be collected before or at the time the service is rendered; and
 - b) shall not be added to the **administrative penalty**.

11. REFERENCES

- 11.1 References in this By-law to any legislation or by-law means as may be amended or successor by-laws or legislation and includes any regulations thereunder.

12. SEVERABILITY

- 12.1 In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

13. SHORT TITLE

- 13.1 This By-law may be known as the “ASE Administrative Penalty By-law”.

14. EFFECTIVE DATE

- 14.1 This By-law comes into force and effect on the day it is passed.

BY-LAW read and passed by the Council for the Town of Halton Hills this 3rd day of March, 2025.

MAYOR – ANN LAWLOR

TOWN CLERK – VALERIE PETRYNIAK