



Report to: General Committee

Meeting Date: May 6, 2025

SUBJECT: Automated Speed Enforcement (ASE) Program

PREPARED BY: Eric Chan, Senior Manager, Transportation
Jeff Baker, Manager, Administrative Monetary Systems
Shane Manson, Senior Manager, Finance
Joshua Silver, Assistant City Solicitor

RECOMMENDATION:

1. That the report entitled Automated Speed Enforcement (ASE) Program be received; and,
2. That Council approve the implementation of an Automated Speed Enforcement (ASE) Program in the City of Markham; and,
3. That Council delegate authority to the City Treasurer and City Clerk to execute any agreement or document in a form satisfactory to the City Solicitor, required to implement or administer the ASE program within the City of Markham, including but not limited to agreements with the Town of Newmarket, ASE Camera Vendor, Ministry of Transportation and Ministry of Attorney General; and,
4. That Council delegate authority to the Director of Engineering to identify and approve initial and future ASE installation locations, including adding additional ASE cameras, subject to the annual budget process, with priority given to areas with significant safety concerns; and,
5. That Council enact an amendment to Traffic By-law 106-71, Schedule 24 (Community Safety Zones), identifying all publicly operated elementary and secondary school locations as Community Safety Zones within the City of Markham as outlined in Attachment 1; and,
6. That Council enact the proposed By-law to establish a System of Administrative Monetary Penalties for Violations of Automated Speed Enforcement Systems in the City of Markham as outlined in Attachment 2; and,
7. That Council approve the in-year capital addition to Budget 2025 in the amount of \$495,000, with the funding strategy to be identified and implemented by the City Treasurer; and,
8. That the City Clerk forward a copy of this report to the Regional Municipality of York (York Region), York Region's local municipalities, York Regional Police, York Region District School Board, York Region Catholic School Board, the Ministry of Transportation Ontario, and the Ministry of the Attorney General; and further,

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9. That staff be authorized to and directed to do all things necessary to give effect to these resolutions.

EXECUTIVE SUMMARY:

Automated Speed Enforcement (ASE) programs have been adopted by many municipalities throughout Ontario and are an efficient and effective way to enforce posted speed limits. By automatically detecting and recording speed violations, ASE programs help reduce vehicle speeds, enhance road safety, and promote safer community environments, particularly in areas where vulnerable populations are at higher risk.

Currently, the Region of York has implemented five ASE cameras on regional roads within Markham. The implementation of ASE programs on the roads under the jurisdiction of the City of Markham is included in the ongoing City's Vision Zero Road Safety Plan. ASE is one of the effective mobility safety solutions that could be used to align with local neighbourhood contexts and requirements.

To facilitate the implementation of an ASE program along Markham local and collector road systems, a cross-departmental team was established to collaborate and provide input on various aspects of the program, which is currently targeting a "go-live launch" of spring 2026. Based on information included in this report, staff recommend the implementation of an ASE program in the City, as one of the many measures being considered in the ongoing Vision Zero Road Safety Plan, with the primary goal of reducing vehicle speeds and improving mobility safety in community safety zones.

Markham's proposed ASE program is structured to support the broader objectives of the City's Vision Zero Road Safety Plan and staff are requesting Council endorsement of:

1. Designating all publicly operated Elementary and Secondary Schools situated on City roads as Community Safety Zones (CSZ) and delegating authority to the Director of Engineering to identify and approve initial and future ASE installation locations, including adding additional cameras, subject to the annual budget process, with priority given to areas with significant safety concerns. The initial phase of the program will deploy eight fixed ASE cameras, with each ward receiving one camera to ensure equitable distribution of program benefits across the City. Future phases may involve installing additional cameras throughout the city.
2. Enacting the proposed By-law to establish a System of Administrative Monetary Penalties for Violations of Automated Speed Enforcement Systems in the City of Markham.
3. Delegate authority to the City Treasurer and City Clerk to execute any agreement, in a form satisfactory to the City Solicitor, required to implement or administer the ASE program which will include the Ministry of Transportation (MTO) and the Ministry of Attorney General (MAG).

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4. Execute an agreement to designate the Town of Newmarket as the City's Joint Processing Center (JPC). The JPC is responsible for managing ASE camera data and processing violation notices.
 5. Council approval of an in-year capital addition to Budget 2025 in the amount of \$495,000, with the funding strategy to be identified and implemented by the City Treasurer.

PURPOSE:

To obtain Markham City Council approval to implement an Automated Speed Enforcement (ASE) Program under the Administrative Monetary Penalty System (AMPS) within the City of Markham.

BACKGROUND:

ASE utilizes technology-driven tools including cameras and speed measurement devices to enforce maximum speed limits by capturing photos of vehicles that exceed these limits. In Ontario, ASE cameras are strategically placed in Community Safety Zones, where there is an elevated risk to traffic and pedestrian safety. Offences recorded by ASE systems undergo review and certification by Provincial Offences Officers before being issued to the vehicle's registered owner. This enforcement mechanism aims to curb speeding, promote safer communities, and supports existing educational, engineering, and other speed reduction initiatives.

Prior to the introduction of ASE in Ontario, speed limit enforcement was solely the responsibility of jurisdictions managing police services. While the *Highway Traffic Act* allowed local-tier municipalities to set their own maximum speed limits, enforcement remained within the purview of upper-tier and single-tier municipalities. With the implementation of ASE, municipalities gained an additional tool to enhance road safety by providing continuous, automated monitoring of speed compliance. This system not only reduces the burden on police services but also improves compliance with posted speed limits, particularly in high-risk areas such as schools. The following provides an overview of the provincial legislation granting municipalities the authority to implement ASE.

I. Highway Traffic Act

The **Highway Traffic Act** ("HTA") governs vehicle licensing, standards, and penalties for vehicles operating on Ontario's public highways. Sections 128 and 214.1 of the HTA grant municipalities the authority to enact by-laws setting and enforcing speed limits on public highways within their jurisdictions, including the implementation of Community Safety Zones ("CSZ").

A **CSZ** is a designated area, often near schools or other places with high pedestrian traffic, where public safety is of special concern. In a CSZ, fines for moving violations, including speeding, are doubled. The aim is to improve public safety by encouraging drivers to slow down and be more cautious in areas where pedestrians, particularly children, are more likely to be present. Municipal councils

can designate roads under their jurisdiction as CSZs, and a municipal by-law is required to increase fines within those limits.

In 2017, the HTA was amended to allow the use of ASE program on roads with speed limits under 80 km/h in School Zones and Community Safety Zones (CSZs). While ASE fines do not lead to demerit points or affect vehicle insurance rates, failure to pay these fines can result in enforcement through the Ministry of Transportation's plate denial process.

II. Ontario Regulation 398/19 Automated Speed Enforcement

O. Reg. 398/19 ASE (O. Reg. 398/19) establishes the regulations related to the implementation and ongoing operation of ASE programs by municipalities. Fundamental components of O. Reg. 398/19 include the following requirements:

- ASE systems consist of a combination of a camera and speed-measuring equipment that can be used to take a photograph of a vehicle and record the rate of speed that the vehicle is travelling at the time of the photograph.
- Information regarding the captured offence (time and date of photograph, location of offence, rate of speed, posted speed limit, etc.) must be shown on the photograph to be received in evidence as proof of the offence.
- Captured offences and proof of offence (ASE photograph) must be reviewed and certified by a Provincial Offences Officer before an offence notice and accompanying fine is issued.
- Offence notices and accompanying fines are issued to the registered vehicle owner and served via regular mail with options for payment or dispute of the offence/fine.
- When ASE systems are in operation, municipalities must advise motorists with applicable regulatory signage.

III. Ontario Regulation 355/22 - Administrative Monetary Penalties for Contraventions Detected Using Camera Systems

The introduction of ASE in Ontario initially relied on the *Provincial Offences Act* (POA) for processing offences and penalties, similar to non-ASE violations under the HTA. However, this approach added significant strain to the already overloaded provincial court system.

To alleviate this burden, the HTA was amended in 2022 to allow municipalities to enforce ASE violations through an Administrative Monetary Penalties (AMP) system. Under this model, municipalities manage ASE offences and the appeals process. The regulations for implementing and operating municipal ASE programs under AMP systems are outlined in O. Reg. 355/22, which governs the use of ASE camera systems to detect contraventions.

Key aspects include:

The roles within an AMP ASE program are clearly defined:

- Provincial Offences Officers employed by the municipality may impose and issue Administrative Monetary Penalties for ASE contraventions.
- Screening Officers employed by the municipality may review and make decisions on appealed penalties.
- Hearing Officers appointed by the municipality may review, adjudicate and make decisions on appealed decisions of the Screening Officer.

AMP ASE program appeals have a regulated process for dispute resolution as well as payment of penalties. AMPS issued under the ASE program are dynamic and based on the captured speed of the contravention with portions of the penalties directed to MTO and MAG.

Other Municipal ASE Programs

Many Ontario municipalities have already implemented or are in the process of adopting an ASE program. Currently, the Region of York has deployed a mix of fixed and mobile ASE cameras on regional roads. There are five fixed ASE cameras on regional roads in Markham, as follows:

Regional Road	School
14th Avenue, West of McDowell Gate	Trillium School
Bayview Avenue, North of Willowbrook Road	Thornlea Secondary School
Highway 7, East of Robinson Street	St. Patrick Catholic Elementary School
Leslie Street, South of Highway 407	St. Robert Catholic High School
McCowan Road, North of Carlton Road	Markville Secondary School

Staff reviewed several municipal ASE programs, gaining key insights that assisted with the development of the City's ASE program. Some examples include:

Municipality	Status	Municipality	Status
City of Guelph	Active	Region of Waterloo	Active
City of Orillia	Target Q3/25	City of Belleville	Active
City of Oshawa	Target Q3/25	Town of Ajax	Active
City of Pickering	Active	Region of Durham	Active
City of Brampton	Active	City of Barrie	Active
City of Hamilton	Active	City of Ottawa	Active
City of Toronto	Active	City of Mississauga	Active
Region of York	Active	Town of Whitchurch-Stouffville	Active
Town of Newmarket	Active	Town of Georgina	Active
City of Richmond Hill	Target 2025	City of Vaughan	Active

IV. ASE Program Effectiveness

ASE has proven effective for reducing speeding and improving road user safety within CSZs. Feedback received from other municipalities has illustrated that ASE cameras are highly effective in encouraging drivers to follow speed limits, lowering the average vehicle speeds, and decreasing both the frequency and severity of accidents.

While results may vary depending on the location, many municipalities have successfully implemented ASE programs with positive outcomes. Examples include:

City of Toronto (The Hospital for Sick Children and Toronto Metropolitan University)

- The percentage of vehicles exceeding the speed limit decreased by 80% in locations with an ASE device
- ASE cameras reduced the operating speed by an average of 7 km/h in locations with an ASE device
- ASE cameras decrease the number of occurrences of excessive speeding (driving 20 km/h or more over the limit was reduced by 87%)

City of Ottawa

- ASE cameras increased compliance with the maximum posted speed limit by 200%
- ASE cameras led to an 11% decrease in the 85th percentile speed (the speed at which 85% of the traffic is travelling or below)
- ASE cameras decreased the number of motorists travelling at 15 km/h over the maximum posted speed limit by 72%

City of Mississauga

- Data collected before and during enforcement periods shows an average decrease in vehicle operating speeds of 8 km/h; and,
- Average increase of 26% in motorists' compliance with the post speed limit

Region of York

- ASE camera installations have reduced vehicle operating speeds by approximately 10 km/hr.
- Speed limit compliance has increased by approximately 25%.
- The Region has noted that ASE can reduce collisions by 48%

ASE has proven to be effective in many Ontario municipalities and while there is no “one-size-fits-all” approach to deploying the type of ASE cameras (fixed or mobile), staff have benefited from insights shared by municipalities with more established programs. Fixed ASE cameras are generally preferred, as they offer a constant and visible deterrent which promotes long-term speed compliance.

In contrast, mobile units have a more temporary impact, with drivers often resuming at higher speeds after relocation. Mobile units are also more susceptible to vandalism, reducing effectiveness and increasing maintenance cost.

Markham's Vision Zero Road Safety Plan

ASE programs contribute and directly align with the City's overarching goals of the Vision Zero Road Safety Plan, which aims to create safer road networks for all residents, pedestrians, cyclists, and drivers. By targeting speed-related risks, the ASE program supports the goal of minimizing injuries and fatalities on the road and results in a more livable and safer community. Since May 2024, the Engineering Department has been developing a comprehensive five-year Vision Zero Road Safety Plan (RSP) and capital program to address the persistent issue of collisions, which have resulted in significant injuries and fatalities.

The RSP aims to reduce traffic fatalities and serious injuries by 10% over a five-year period, through a data-driven, safe system approach that emphasizes stakeholder and public engagement, inclusiveness, and political commitments. The RSP builds on current safety initiatives and seeks to enhance road safety for all road users, irrespective of their mode of transportation.

Given the compelling data from other jurisdictions demonstrating the positive impact of ASE programs on public safety, Staff recommend accelerating the consideration of ASE as part of the Road Safety Plan (RSP). A core focus of the RSP is to identify a range of initiatives and treatments that address key safety emphasis areas across the City. ASE is being prioritized for potential implementation in school zones, where objective, data-driven evidence supports its effectiveness. Staff continue to work toward presenting the final RSP along with a corresponding 5-year capital plan to Council for endorsement in Fall 2025.

OPTIONS/ DISCUSSION:

The Provincial government has introduced a variety of flexible program options for municipalities to explore when deciding to implement an ASE program. The main objectives of ASE programs are to enhance road safety and reduce speeding, both of which are central to the ongoing efforts the City of Markham intends to make through the RSP.

Prior to implementing an ASE program, the City of Markham is required to secure formal approval from the province and complete the following prescribed requirements.

1. Establish Community Safety Zones (CSZ) Designations

- Identify all public elementary and secondary schools within the City of Markham as CSZ, where there is an elevated safety risk for vulnerable road users.

Staff recommend the designation of all public Elementary and Secondary Schools situated on Markham roads as Community Safety Zones (CSZ), as outlined in the Bylaw amendment included within Attachment 1. In addition, staff further recommend Council delegate the authority to the Director of Engineering to determine the ASE installation locations throughout the City of Markham using a data-driven methodology for all locations with high safety concerns.

2. Enact a By-law to Establish a System of Administrative Monetary Penalties for Violations of Automated Speed Enforcement Systems in the City of Markham

- The second step of an ASE program requires the City to enact a By-law which provides an administrative monetary penalty framework in alignment with O. Reg. 355/22. The By-law is a prerequisite for entering into the required ASE agreements with MTO and MAG. Included below is a summary of the By-law elements:
 - i. Enables the issuance of an AMPS ticket (called a Penalty Order or “PO”) for a speeding violation captured by an ASE camera within 23 days of the violation.
 - ii. Sets out the requirements for information that must be included on the PO (including a unique file number, vehicle owner name and address, description, location and photograph of the violation, and an administrative penalty (fine), as well as payment and appeal options.).
 - iii. Sets out the way in which a PO is served and establishes the requirement for the PO to be paid within 30 days unless an appeal (AMPS Screening Review) is requested.
 - iv. Establishes the specific AMPS adjudication processes that apply should the PO be appealed, including the potential for a Screening Review to be conducted orally, electronically or in writing; the ability for the Screening Officer to confirm, vary or set aside the PO; the process for proceeding to the second stage of adjudication (Hearing Review); and hearing processes.
 - v. Sets out a process for requesting an extension to the 30-day time periods for requesting a Screening or Hearing Review.
 - vi. Establishes the information a Screening or Hearing Officer may consider when reviewing a PO.
 - vii. Penalty amounts for ASE infractions are set by the Province under O. Reg 355/22 and are not determined by the Municipality.
 - There are four components that make up the Total Penalty structure:

a) Rate of Speed Fee:

KM/HR OVER SPEED LIMIT	RATE OF PENALTY
1-19 km/hr.	\$5.00 per km
20-29 km/hr.	\$7.50 per km
30-49 km/hr.	\$12.00 per km
50 km/hr. or more	\$19.50 per km

- b) Victim Component Fee: The Victim Component Fee is a Provincial charge related to a penalty with the proceeds directed to the Victims Justice Fund. The Victim Component Fee is determined based on the amount associated with the Rate of Speed penalty amount, as listed below.

PENALTY AMOUNT	VICTIM COMPONENT FEE
\$0 - \$50	\$10
\$51 - \$75	\$15
\$76 - \$100	\$20
\$101 - \$150	\$25
\$151 - \$200	\$35
\$201 - \$250	\$50
\$251 - \$300	\$60
\$301 - \$350	\$75
\$351 - \$400	\$85
\$401 - \$450	\$95
\$451 - \$500	\$110
\$501 - \$1000	\$125
\$1000+	25% of Penalty Amount

- c) License Plate Search Fee: This Ministry governed flat fee of \$8.25 is added to the total to cover the costs associated with retrieving the registered vehicle owner's information from the MTO (Ministry of Transportation of Ontario). Meaning the name and address of the person who is subject to the Penalty Order.
- d) Administrative Fees: Additional fees not included in the typical Total Penalty calculation can include the following:
- Late Fee: When a penalty is past-due, the municipality can submit for plate denial to the Defaulted Fine Control Centre (DFCC) managed by MTO. The DFCC will add a \$20.00 late fee to the Total Penalty for each plate denial request submitted. The license plate holder must pay the new outstanding Total Penalty amount to the MTO and not the Municipality (to be recovered by the Municipality from MTO at a later date).

- No-Show Fee: A municipality may add a \$60.00/occurrence “No-Show Fee” to a penalty when the appellant fails to attend a requested and scheduled screening or hearing. This is implemented through the AMPS By-Law, as amended.

e) Penalty Calculation Example

- *(a) Rate of Speed Fee + (b) Victim Component Fee + (c) License Plate Search Fee + (d) Administrative Fees = Total Penalty*
- Example: A vehicle traveling at 58 km/hr. in a posted 40 km/hr. zone (23 km/hr. over the posted speed limit)
- The calculation would be as follows.
 - a. 18 km / hr. x \$5.00 rate = \$90.00 Rate of Speed Fee
 - b. + \$20.00 Victim Component Fee = \$110.00 Total
 - c. + \$8.25 License Plate Search Fee = \$118.25 Total

Total Speeding Infraction Cost = \$118.25

Staff recommend that Council adopt the Administrative Penalties for Contraventions Detected Using ASE Camera Systems By-law, as included within Attachment 2.

3. Ministry of Transportation (MTO) and Ministry of Attorney General (MAG) Agreements

- Once AMPS ASE By-law is enacted, the third step is for the City to execute an agreement with MTO, to enable the JPC to have access to license plate registration information for the purposes of issuing POs and committing the City to maintain confidentiality of the information. Additionally, the required MTO agreement stipulates that the City is to submit annual and biannual data reports documenting the number of POs issued, contested, and paid.
- The City will also need to sign a separate standardized agreement with MAG to establish the specifics of the City’s commitment to remit the Victim Component of penalties to the province and provide monthly and semi-annual reports on the details of Victim Components collected and outstanding. This agreement also sets out requirements to send plate denial requests to MTO via the Ministry’s Defaulted Fine Control Centre if POs are unpaid, as well as other reporting requirements to the Ministry.

Staff recommend Council delegate authority to the City Treasurer and City Clerk to execute any agreement or document satisfactory to the City Solicitor, required to implement or administer the Automated Speed Enforcement program within the City of Markham, including but not limited to; the Town of Newmarket, Ministry of Transportation and Ministry of Attorney General.

4. Joint Processing Centre (JPC)

- To implement ASE, the City must set up a Joint Processing Centre (JPC). The JPC is responsible for managing data captured by automated enforcement cameras and processing violations. Photographic evidence is transmitted electronically from the camera to the JPC, where a Provincial Offences Officer reviews and verifies the information. After confirming the violation, the JPC requests the vehicle owner's name and address from the Ministry of Transportation (MTO) and proceeds with issuing a ticket.
- The City of Markham may choose to open and operate its own JPC or contract with another JPC operator. Currently, the City of Toronto, York Region and the Town of Newmarket are operating, or are in the process of establishing JPCs.
 - i. The City of Toronto was the first municipality within Ontario to establish ASE, has been operating its Joint Processing Centre (JPC) since December 2019. The City had twelve (12) municipalities utilizing their Joint Processing Centre to process ASE tickets. To join the JPC, there is a one-time fee of \$90,000 along with a fix charge of \$20 per PO. Recently Toronto imposed volume limits on the number of tickets it can process. As a result, several municipalities have begun exploring the possibility of creating their own JPCs or collaborating with existing municipal JPCs. For instance, the City of Barrie, Brampton, and Ottawa have each established their own ASE Processing Centre, aiming to enhance control over infraction processing and facilitate the ASE program's growth.
 - ii. The Region of York: In late 2024, York Region launched its JPC to support the administration of its ASE program. The initial phase is focused on fulfilling their internal operational requirements; however, the framework has been designed with the potential to accommodate future participation from interested municipal partners. At this time, no additional details regarding operational logistics or cost components have been released.
 - iii. The Town of Newmarket currently operates a JPC, designed to serve both Newmarket and its municipal partners. This JPC offers partner municipalities the flexibility to customize the services they receive, with options to select specific program components such as public communication support, PO processing, MAG reporting, and AMPS adjudication. A processing fee is charged for Penalty Orders, with no joining fee. At present, Newmarket is providing JPC services to the City of Vaughan and the Town of Whitchurch-Stouffville and is in contract negotiations with five additional municipalities.

It is common practice for JPCs to require that municipalities who contract their services use the same camera vendor as the JPC operator. The ASE camera

vendor also provides software that enables communication between the JPC and the cameras. In both Toronto and Newmarket, the designated camera vendors were chosen through a competitive procurement process.

Staff recommend the City of Markham enter into an agreement to designate the Town of Newmarket as the City's Joint Processing Center (JPC), along with the City entering into Tri-Party Agreement with Newmarket and its camera vendor.

This recommendation is supported by Newmarket's ability to scale operations, its competitive processing costs, flexibility in service offerings, and the opportunity for Markham to retain full control over the operational management of the ASE program.

Additionally, it is recommended that the adjudication be managed within the City's established AMPS program to ensure cost efficiency and alignment with business priorities.

ASE Implementation Milestones

The implementation of an ASE program in selected CSZs on Markham roadways will provide an effective and scalable enforcement solution, enabling staff to adjust road safety strategies based on neighborhood and community requirements. This comprehensive initiative involves collaboration and input from staff across the organization. To facilitate the rollout of the City's ASE program, a cross-departmental team was established to work on various aspects of the program which is currently targeting a "go-live launch" in spring 2026.

The following provides Council with the high-level milestones staff are working towards.

A. May 2025: Council Endorsement of the ASE Program including.

- i. Amendments to Schedule 24 of Traffic By-law 106-71; designating all publicly operated elementary and secondary school zones as "Community Safety Zones (CSZ)"; and,
- ii. Delegating authority to the Director of Engineering to identify and approve initial and future ASE installation locations, including adding additional cameras, subject to the annual budget process, with priority given to areas with significant safety concerns.
- iii. Enacting a By-law to Establish an Administrative Monetary Penalty System for Contraventions Detected Using ASE Systems in the City of Markham.
- iv. Delegating authority to the City Treasurer and City Clerk to execute any agreement or document in a form satisfactory to the City Solicitor, which may be required to implement or administer the ASE program within the City, including but not limited to agreements with the Town of

Newmarket, ASE Camera Vendor, Ministry of Transportation and Ministry of Attorney General.

- v. Approval of an in-year 2025 capital budget request of \$495,000 to support the implementation of the ASE program, with funding strategy to be identified and implemented by the City Treasurer.

B. Q2 / Q3 -2025: ASE Camera Operation and Location

- i. Complete an assessment of all publicly operated Elementary and Secondary School Zones , to be designated as CSZ, employing a data-driven approach for the initial selection for the first phase of the program.
- ii. A total of eight (8) fixed ASE cameras will be identified for deployment, with each ward receiving one (1) camera to ensure that the benefits of this program are equally distributed throughout City.
- iii. The ASE camera will be a fixed camera that will be operational 24/7 which will be frequently reviewed for program effectiveness and/or consider relocation based on improved driver speed compliance.
- iv. Finalize 2026 Operating Budget requirements for the ASE.

C. Q3-Q4 2025: Complete Regulatory & Contractual Requirements

- i. Obtaining necessary ASE authorizations with the Ministry of Transportation (MTO) and the Ministry of the Attorney General (MAG)
 - The MTO agreements authorize the use of license plate information gathered by ASE technology and vehicle owner details from the MTO licence plate database.
 - The MAG agreement deals with the financial component of the program including the municipality's responsibility to remit payment to the Provincial Victims' Justice Fund, use of the Default Fine Control Centre to recover unpaid fines by means of licence plate denial, and report finances to the province
- ii. Execute agreements to utilize the Town of Newmarket's Joint Processing Centre and its ASE Camera Vendor.
- iii. Complete Privacy Impact Assessment (PIA) – Ontario's Information and Privacy Commissioner (IPC) requires municipalities who are undertaking an activity that may engage the public's privacy rights, such as an ASE program, to complete a PIA.

D. Q4 2025: Public Awareness & Communication Plan

- i. Staff will develop and implement a comprehensive communication plan and create public messaging that promotes community trust and understanding of the new ASE Program. Proposed communications methods include the following:

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- Media announcements – informing residents, schools and the broader community of the program's pre & post implementation phases
 - City Portal – Dedicated ASE webpage with FAQs, ASE enforcement locations and Fact Sheets – Explaining how ASE works, penalties, and safety benefits, Dashboard reporting speed data, by location, at regular intervals.
 - Social Media Campaigns
 - ASE Brochures & Flyers – Distributed at city buildings, libraries, schools, and community centers
 - Councillor Newsletters – to facilitate ongoing updates for residents, including various program milestones

E. 2026 Q1: ASE Implement Rollout

- i. Continuation of public awareness campaign
- ii. Installation of ASE “Coming Soon Signs” and “Community Safety Zone” signs for each of the eight (8) ASE camera locations
 - “Community Safety Zone” regulatory signs are required to formally designate and enforce these locations, and to facilitate the implementation of ASE cameras.
 - Due to the large quantity of signs necessary to manufacture and install for all CSZs, priority will be placed on signing the eight (8) ASE locations, with other CSZs to follow thereafter, as capacity permits. The By-law related to CSZ shall come into force and effect when signs have been erected.
 - The province has stipulated that “Municipal Speed Camera Coming Soon” warning signs must be installed at least ninety (90) days in advance of a camera’s activation; and,
 - Later replaced with “Municipal Speed Camera In-Use” regulatory signs when activated at any given location
- iii. Installation and testing of the eight (8) ASE cameras (1 per ward)
- iv. Recruitment / Training of screening and hearing officers

F. Spring 2026: ASE Go-Live

- i. Issuing PO notices to vehicle owners who exceed posted speed limits.

FINANCIAL CONSIDERATIONS

Markham’s proposed ASE program is structured to support the broader objectives of the City’s Vision Zero Road Safety Plan by promoting compliance with speed limits and enhancing mobility safety. Penalty revenue will be allocated to cover program expenses, with any potential surplus funds to be addressed through the

annual budget process. Staff are unable to accurately predict penalty revenue due to the complex variables associated with driver behaviour. Through break-even analysis, staff believe the program will be fully cost recovered for the known capital and operating costs summarized below.

- Capital costs related to the ASE implementation will be incurred in 2025 and are related to camera installation, electrical infrastructure, the placement of regulatory signage, and the development of public awareness and marketing materials. Additionally, a Transportation Engineer position is required to oversee the program's technical aspects, including identifying current and future ASE locations, coordinating installations and liaising with the camera contractor for maintenance.
- Staff are requesting Council approve an in-year 2025 capital budget in the amount of \$495,000, with the funding strategy to be identified and implemented by the City Treasurer
- Operating costs identified below will not be incurred until 2026 when the ASE program goes live, and warning tickets or POs are issued:
 - i. Joint Processing Centre (JPC) Cost: The JPC is a fixed cost per PO infraction. Includes all costs associated with the review, mailing and payment processing of violations captured by the ASE camera and processed by the Newmarket JPC).
 - ii. ASE Camera Lease: Is a fixed cost estimated at \$25K per camera. The ASE camera rental contract fully covers all maintenance (including repair and/or replacement of any cameras subject to malfunction, misalignment or vandalism).
 - iii. Technical & Adjudication Resource Costs: Additional support required to facilitate the efficient management of non-JPC functions as noted below
 - Screening/Hearing Officer(s): to manage the adjudication of all disputes related to ASE-issued penalties in accordance with provincial regulations, and the Administrative Penalty System (AMPS) ASE By-law
- Staff will finalize the 2026 operating costs and incorporate them into the 2026 budget process.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

1. Engineering
2. Legislative Services / AMPS

3. Legal Services
4. Operations / Roads
5. Information Technology Services
6. Financial Services
7. Corporate Communications

RECOMMENDED BY:

Frank Clarizio
Director, Engineering
Service

Arvin Prasad
Commissioner, Development

Kimberley Kitteringham
City Clerk & Director, Legislative Services

Claudia Storto
City Solicitor & People Services

Joseph Silva
City Treasurer
Services

Trinela Cane
Commissioner, Corporate

ATTACHMENTS:

1. Community Safety Zone By-Law Amendment (By-law 106-71, Schedule 24)
2. Administrative Penalty System (AMPS) By-Law-XX
 - A. Schedule A - Rate of Speed Fee
 - B. Schedule B - Victim Component Fee
 - C. Schedule C - Administrative Fees

Attachment 1: Community Safety Zone By-Law Amendment (By-law 106-71, Schedule 24)



The Corporation of the City of Markham

Amending By-Law 2025-XX

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT TRAFFIC BY-LAW 106-71 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

WHEREAS Schedule 24 of Traffic By-law 106-71, pertaining to “Community Safety Zones”, be amended by adding the following.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
<u>LOCATION</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>TIMES & DAYS</u>
St. Rene Goupil - St. Luke Catholic School	Aileen Road	Green Lane	John Street	At All Times & Days
St. Rene Goupil - St. Luke Catholic School	Green Lane	Bayview Avenue	Kings College Road	At All Times & Days
Thornlea Secondary School / Willowbrook Public School	Willowbrook Road	Bayview Avenue	Green Lane	At All Times & Days
Baythorn Public School	Baythorn Drive	Normark Road	Donalbain Crescent	At All Times & Days
St. Anthony Catholic School	Kirk Drive	Thornybrae Drive	Banquo Road	At All Times & Days
Stornoway Crescent Public School	Stornoway Crescent	Romfield Circuit (west intersection)	Romfield Circuit (east intersection)	At All Times & Days
Woodland Public School	Royal Orchard Boulevard	Baythorn Drive	Kirk Drive	At All Times & Days
Thornhill Secondary School	Dudley Avenue	Elgin Street	Clark Avenue	At All Times & Days

E.J. Sand Public School	Henderson Avenue	Clark Avenue	Elgin Street	At All Times & Days
Henderson Avenue Public School	Henderson Avenue	Doncaster Avenue	Grandview Avenue	At All Times & Days
Johnsview Village Public School	Porterfield Crescent	Reith Way	Bowman Way	At All Times & Days
Bayview Fairways Public School	Bayview Fairways Drive	John Street	Sea Island Path	At All Times & Days
Bayview Fairways Public School	John Street	Aileen Road	Dawn Hill Trail	At All Times & Days
Bayview Glen Public School	Limcombe Drive	Laureleaf Road	Seinecliffe Road	At All Times & Days
Bayview Glen Public School	Laureleaf Road	Daffodil Avenue	100 metres south of Limcombe Drive	At All Times & Days
German Mills Public School / St. Michael Catholic Academy	Simonston Boulevard	Don Mills Road (south intersection)	Granada Court	At All Times & Days
Victoria Square Public School	Prince of Wales Drive	Gillings Street	Helford Street	At All Times & Days
Victoria Square Public School	Helford Street	Prince of Wales Drive	Duke of Cornwall Drive	At All Times & Days
Nokiidaa Public School	Russell Dawson Road	Woodbine Avenue	Murison Drive	At All Times & Days
Nokiidaa Public School	Murison Drive	Russell Dawson Road	Lebarr Road	At All Times & Days
Sir Wilfrid Laurier Public School	Stony Hill Boulevard	Victoria Square Boulevard	Hazelton Avenue	At All Times & Days
Sir Wilfrid Laurier Public School	Hazelton Avenue	Stony Hill Boulevard	Pillar Rock Crescent (south intersection)	At All Times & Days
Lincoln Alexander Public School	Hillmount Road	Moss Creek Boulevard	Willow Heights Boulevard	At All Times & Days

Lincoln Alexander Public School	Moss Creek Boulevard	Hillmount Road	Carter Place	At All Times & Days
Lincoln Alexander Public School	Willow Heights Boulevard	Hillmount Road	Edgewood Crescent (north intersection)	At All Times & Days
St. Augustine Catholic High School	Rodick Road	Macrill Road	Calvert Road	At All Times & Days
Ashton Meadows Public School	Calvert Road	Woodbine Avenue	Thackeray Court	At All Times & Days
St. Monica Catholic Elementary School	Calvert Road	Eyer Drive	Village Gate Drive	At All Times & Days
Buttonville Public School / Elementary School Catholic Sainte-Marguerite-Bourgeoys	John Button Boulevard	Buttonfield Road	Burr Crescen (south intersection)	At All Times & Days
St. Justin Martyr Catholic Elementary School	Hollingham Road	Lockridge Avenue	Conistan (E)	At All Times & Days
Coledale Public School	Coledale Road	Loweswater Avenue	300m south of Loweswater Avenue	At All Times & Days
Unionville High School	Apple Creek Boulevard	Warden Avenue	150m west of Town Centre Boulevard	At All Times & Days
Unionville High School	Town Centre Boulevard / Hollingham Road	Cox Boulevard	Halstead Drive	At All Times & Days
William Berczy Public School	Carlton Road	Village Parkway	Fred Varley Drive	At All Times & Days
Blessed John XXIII Catholic School	Krieghoff Avenue	Village Parkway	Fred Varley Drive	At All Times & Days
Parkview Public School	Fonthill Boulevard	Fred Varley Drive	Merchant Road	At All Times & Days

Unionville Public School	Main St Unionville	Toogood Pond	Rosemead Close	At All Times & Days
Bill Crothers Secondary School	Main St Unionville	Enterprise Boulevard	Richard Maynard	At All Times & Days
Bill Crothers Secondary School	Enterprise Boulevard	University Boulevard	Main St Unionville	At All Times & Days
Bill Crothers Secondary School	Bill Crothers Drive	Enterprise Boulevard	End Limit	At All Times & Days
St. Matthew Catholic Elementary School	Waterbridge Lane	Juniper Crescent (south intersection)	Foxmeadow Lane	At All Times & Days
Central Park Public School	Central Park Drive	West Side Drive	Havagal Crescent (south intersection)	At All Times & Days
Markville Secondary School	Carlton Road	McCowan Road	Central Park Drive	At All Times & Days
Unionville Meadows Public School	South Unionville Avenue	Harry Cook Drive	Zio Carlo Drive	At All Times & Days
Bur Oak Secondary School	Dogwood Street	Bur Oak Avenue	Galway Gate	At All Times & Days
St. Edward Catholic Elementary School / Ramer Wood Public School	Cairns Drive	Crandall Drive	Raymerville Drive (south intersection)	At All Times & Days
James Robinson Public School	Robinson Street	Galsworthy Drive	Windridge Drive	At All Times & Days
James Robinson Public School	Galsworthy Drive	Abercorn Road	Honeybourne Crescent (south)	At All Times & Days
Roy H. Crosby Public School	Drakefield Road	Lakevista Avenue	200m east of Lakevista Avenue	At All Times & Days
Edward T. Crowle Public School	Larkin Avenue	Fincham Avenue	Heisey Drive	At All Times & Days

Kateri Tekawitha Catholic School	Fincham Avenue	Meyer Circle	50m east of Emeline Crescent	At All Times & Days
Reesor Park Public School	Wootten Way	Sir Lancelot Drive	Sir Tristram Place (north intersection)	
Franklin Street Public School	Franklin Street	George Street	Church Street	At All Times & Days
Markham District High School	Church Street	Elm Street	Jack Court	At All Times & Days
William Armstrong Public School	Major Button's Drive	Wootten Way	James Speight Road	At All Times & Days
Sam Chapman Public School	Delray Drive	Donald Cousens Parkway	Gordon Weeden Road	At All Times & Days
Sam Chapman Public School	Alfred Paterson Drive	Iannucci Crescent (east intersection)	Warton Court	At All Times & Days
Mount Joy Public School	Williamson Road	Jenmat Drive	Rachett Road	At All Times & Days
Mount Joy Public School	Bur Oak Avenue	Cathmar Drive	Balmano Road	At All Times & Days
Greensborough Public School	Bur Oak Avenue	Chancery Road	Ambercroft Street	At All Times & Days
Greensborough Public School	Alfred Paterson Drive	Wyndermere Court	Reston Ridge Street	At All Times & Days
Little Rouge Public School	Bur Oak Avenue	Evaridge Drive	Highbury Court	At All Times & Days
Little Rouge Public School	Country Glen Road	Northvale Road	Bur Oak Avenue	At All Times & Days
Little Rouge Public School	Northvale Rpad	Evaridge Drive	Ivy Stone Court	At All Times & Days
Bill Hogarth Secondary School	Bur Oak Avenue	White's Hill Avenue	Cornell Meadows Avenue	At All Times & Days

Bill Hogarth Secondary School	Almira Avenue	Walkerville Road	Bittersweet Street	At All Times & Days
Bill Hogarth Secondary School	Donald Sim Avenue	Walkerville Road	Disk Drive	At All Times & Days
St. Joseph Catholic Elementary School / Black Walnut Public School	Cornell Centre Boulevard	Morning Dove Drive	Lawrence Pilkington	At All Times & Days
St. Joseph Catholic Elementary School	White's Hill Avenue	Cornwall Drive	John Allan Cameron Street	At All Times & Days
Black Walnut Public School	John Allan Cameron Street	White's Hill Avenue	50m south of Autumn Glow Drive	At All Times & Days
Black Walnut Public School	Shady Oaks Avenue	Cornell Centre Boulevard	Rock Garden Street	At All Times & Days
Cornell Village Public School	Country Glen Road	Christian Reesor Park Avenue (north intersection)	Cornell Meadows Avenue	At All Times & Days
Cornell Village Public School	Cornell Common Road	Country Glen Road	200m west of Country Glen Road	At All Times & Days
St. Julia Biliart Catholic Elementary School	Bur Oak Avenue	Northside Road	Rainbow Valley Cres (west intersection)	At All Times & Days
St. Julia Biliart Catholic Elementary School	Swan Park Road	Neeley Road	Royal Crown Road	At All Times & Days
Rouge Park Public School	Riverlands Avenue	Donald Cousens Parkway	Cornell Rouge Boulevard	At All Times & Days
All Saints Catholic School / Castlemore Public School	Castlemore Avenue	150m west of The Bridle Walk	150m east of Ridgecrest Road	At All Times & Days
All Saints Catholic School	The Bridle Walk	Saxony Drive	Elmrill Road	At All Times & Days
Castlemore Public School	Ridgecrest Road	Glenhaven Street	Wiltshire Drive	At All Times & Days

Pierre Elliot Trudeau High School	Bur Oak Avenue	Madison Heights Boulevard	Brock Avenue	At All Times & Days
Beckett Farm Public School	Beckett Avenue	Harbord Street	50m east of Brock Avenue	At All Times & Days
Beckett Farm Public School	Brock Avenue	Hua Du Avenue	Busch Avenue	At All Times & Days
Stonebridge Public School	Stonebridge Drive	Manorwood Drive	50m south of Wilfred Murison Avenue	At All Times & Days
Stonebridge Public School	Wilfred Murison Avenue	Barkwood Hollow	Oxfordshire Street	At All Times & Days
John McCrae Public School	Stricker Avenue	Hammersly Boulevard	Fred McLaren Boulevard	At All Times & Days
John McCrae Public School	Fred McLaren Boulevard	Staynor Crescent	Roy Rainey Avenue	At All Times & Days
Donald Cousens Public School	Mingay Avenue	Hammersly Boulevard	100m south of Fred McLaren Boulevard	At All Times & Days
Donald Cousens Public School	Fred McLaren Boulevard	Ralph Chalmers Avenue	Kindy Street	At All Times & Days
Fred Varley Public School	James Parrott Avenue	Astrid Terrace	Roy Rainey Avenue	At All Times & Days
Fred Varley Public School	Alexander Lawrie Avenue	Barnstone Drive	Thimbleweed Street	At All Times & Days
Sir Richard W. Scott Catholic Elementary School	Roxbury Street	Codlin Street	14 th Avenue	At All Times & Days
Boxwood Public School	Boxwood Crescent	Bluebell Drive	Havelock Gate	At All Times & Days
Cedarwood Public School	Elson Street	150m west of Tawney Road	200m east of Tawney Road	At All Times & Days
Legacy Public School	Rouge Bank Drive	Russell Jarvis Drive	250m west of Russell Jarvis Drive	At All Times & Days
Legacy Public School	Russell Jarvis Drive	Rouge Bank Drive	Juneberry Avenue	At All Times & Days

David Suzuki Public School	Riverwalk Drive	Coakwell Drive	50m east of Barter Street	At All Times & Days
David Suzuki Public School	Fieldside Street	Riverwalk Drive	Berger Avenue	At All Times & Days
Milliken Mills Public School / Mother Teresa Catholic School	Birchmount Road	Ferguson Gate	Harvest Moon Drive	At All Times & Days
Milliken Mills Public School / Mother Teresa Catholic School	Risebrough Circuit	Birchmount Road	Ferguson Gate	At All Times & Days
Highgate Public School	Highgate Drive	Birchmount Road	Clydesdale Road	At All Times & Days
St. Francis Xavier Catholic Elementary School	Highglen Avenue	Caldbeck Avenue	Hoake Trail	At All Times & Days
Randall Public School	Randall Avenue	Galbraith Crescent	100m east of Hillcroft Drive	At All Times & Days
Aldergrove Public School	Aldergrove Drive	Teddington Avenue	Kirton Court	At All Times & Days
St. Benedict Catholic Elementary School	Aldergrove Drive	Winston Road	Digby Crescent (north intersection)	At All Times & Days
Wilclay Public School	Wilclay Avenue	Cartmel Drive	Hillcroft Drive	At All Times & Days
Coppard Glen Public School	Coppard Avenue	Highglen Avenue	Claircrest Road	At All Times & Days
Armada Public School	Coppard Avenue	Elson Street	William Honey Crescent (north intersection)	At All Times & Days
Middlefield Collegiate Institute	Highglen Avenue	Featherstone Avenue	150m east of Middlefield Road	At All Times & Days
Middlefield Collegiate Institute	Middlefield Road	Golden Avenue	150m north of Highglen Avenue	At All Times & Days
Ellen Fairclough Public School	Brando Avenue	Highglen Avenue	Golden Avenue	At All Times & Days

Markham Gateway Public School	Fonda Road	Golden Avenue	Ralph Court	At All Times & Days
Parkland Public School	Coxworth Avenue	Mary Pearson Drive	Elson Street	At All Times & Days
San Lorenzo Ruiz Catholic School	Roy Rainey Avenue	Wingrove Street	250m north of Bur Oak Avenue	At All Times & Days
San Lorenzo Ruiz Catholic School / Bur Oak Secondary School / Wismer Public School	Bur Oak Avenue	Trailbrook Terrace	McKennon Street	At All Times & Days
Wismer Public School	Mingay Avenue	Raspberry Ridge Drive	150m north of Bur Oak Avenue	At All Times & Days

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS xx DAY OF xx 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



The Corporation of the City of Markham

By-Law 2025-XX

A By-Law to establish a system of Administrative Monetary Penalties for violations of Automated Enforcement Systems in the City of Markham

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*”) authorizes municipalities to enact by-laws respecting spheres of jurisdiction including highways;

AND WHEREAS Section 21.1 of the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, (“*HTA*”) provides that an administrative penalty may be imposed to promote compliance with the Act and the regulations on a person who belongs to a prescribed class, being persons who own a motor vehicle pursuant to Section 5(1) of Ontario Regulation 355/22 made pursuant to the *HTA* (“O. Reg 355/22”), for contraventions of those prescribed provisions set out in Section 2 of O. Reg. 355/22 (the “Prescribed Provisions”);

AND WHEREAS Section 205.1 of the *HTA* authorizes the use of an ASE system in a community safety zone designated by a by-law passed under subsection 214.1(1) of the *HTA* where the prescribed rate of speed is less than 80 kilometers per hour, or in a school zone designated by a by-law passed under paragraph (a) of subsection 128(5) of the *HTA*;

AND WHEREAS Section 3 of O. Reg. 355/22 provides that a penalty order may prescribe the following contraventions for the purposes of imposing an administrative penalty pursuant to Section 21.1 of the Act: subsection 128(1) Speeding where evidence of the contravention is obtained through the use of an ASE system ; subsection 144(18) Red Light - fail to stop where evidence of the contravention is obtained through the use of a red light camera system; and subsections 175 (11.1 and 12.1) fail to stop for school bus where evidence of the contravention is obtained through the use of an automated school bus camera system;

AND WHEREAS O. Reg. 355/22 authorizes municipalities to pass By-laws imposing fees and charges under Section 391 of the *Municipal Act, 2001* in connection with services related to an administrative penalty imposed under Section 21.1 of the *HTA*;

AND WHEREAS the Council of the City considers it desirable and necessary to provide for a system of administrative penalties and administrative fees to regulate and enforce motor vehicle contraventions in relation to speeding, red light fail to stop and fail to stop for school bus via automated camera-based enforcement.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:**1. TITLE**

- 1.1. This by-law shall be known and cited as the “Administrative Penalties for Automated Enforcement By-law.”

2. DEFINITIONS

- 2.1. In this By-law, the following terms shall have the following meanings:

- i. **“Administrative Fee”** means a fee in respect of services related to an Administrative Penalty that may be imposed pursuant to Section 22(2) of O. Reg 355/22 and that is listed in Schedule “C” of this By-law;
- ii. **“Administrative Penalty”** means a monetary penalty that is applicable to a Contravention, and which is calculated in accordance with Section 6 of O. Reg 355/22;
- iii. **“Authorized Person”** means a person employed by the City that meets all the other criteria set out in Section 4 of O. Reg. 355/22, including that the person has been designated as a provincial offences officer by the MTO under subsection 1 (3) of the Provincial Offences Act (“POA”) for the purpose of all or any of the classes of offences in those parts of the HTA listed in Section 4 of O. Reg. 355/22, and that the designation authorizes the person to issue a certificate of offence under Section 3 (2) of the POA for a Contravention;
- iv. **“Authorized Representative”** means a person acting on behalf of an Owner in a process or proceeding pursuant to this By-law as identified in an Authorization to Act as Agent form;
- v. **“Camera System”** means an ASE system authorized under Part XIV.1 of the HTA and described in O. Reg. 398/19, a red light camera system described in O. Reg. 277/99 of the HTA that may be used to evidence a contravention of subsection 144(18) of the HTA in accordance with Part XIV.2 of the HTA, and an automated school bus camera system authorized under Part XIV.3 of the HTA and described in O. Reg. 424/20;
- vi. **“City”** means the Corporation of the City of Markham.
- vii. **“Clerk”** means the City Clerk or their delegate or designate
- viii. **“Community Safety Zone”** means that part of a highway, designated by by-law pursuant to the HTA and signed as a Community Safety Zone.

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- ix. **“Contravention”** means a contravention of, or a failure to comply with a Prescribed Provision.
 - x. **“Council”** means the Council of the City of Markham;
 - xi. **“Day”** means any calendar day;
 - xii. **“Financial Hardship”** means special or specified circumstances that partially or fully exempt a Person from paying a Penalty Notice, including any Administrative Fees so as to avoid undue monetary difficulties
 - xiii. **“Hearing Officer”** means a person appointed by Council to conduct Hearing Reviews in accordance with this By-law;
 - xiv. **“Hearing Review”** means the second stage of an appeal of a Penalty Order comprised of a review of a Screening Review Decision by a Hearing Officer described in paragraphs 4 to 7 of subsection 11 (1) of O. Reg. 355/22;
 - xv. **“Hearing Review Decision”** means a notice which contains the decision of a Hearing Officer, delivered in accordance with Section 6.8 of this By-law;
 - xvi. **“Holiday”** means a Saturday, Sunday, any statutory holiday in the Province of Ontario, or any Day the offices for the City are officially closed for business;
 - xvii. **“HTA”** means the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended;
 - xviii. **“Ministry”** means the Ontario Ministry of Transportation;
 - xix. **“Municipal Act”** means the Municipal Act, 2001, S.O. 2001, c. 25, as amended;
 - xx. **“O. Reg 355/22”** means Ontario Regulation 355/22 made pursuant to the HTA and titled “Administrative Penalties for Contraventions Detected Using Camera Systems”;
 - xxi. **“Owner”** in relation to a motor vehicle has the same meaning as set out in O. Reg. 355/22;
 - xxii. **“Penalty Order”** means an order issued by an Authorized Person that imposes an administrative penalty for a Contravention of a Prescribed Provision pursuant to s. 21.1 of the HTA and O. Reg 355/22;
 - xxiii. **“Prescribed Provision”** means those provisions of the HTA referred to in paragraphs 1, 2 and 4 of Section 2 of O. Reg. 355/22;

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- xxiv. **“Request for Review by Hearing Officer”** means a request which may be made in accordance with Section 6 of this By-law for an appeal of a Screening Decision;
- xxv. **“Request for Review by Screening Officer”** means a request by a person who is subject to a Penalty Order made in accordance with Section 5 of this By-law for the first stage of an appeal by a person who is subject to a Penalty Order;
- xxvi. **“School Safety Zone”** means that part of a highway, designated by by-law pursuant to the HTA and signed as a School Safety Zone;
- xxvii. **“Screening Officer”** means a person employed by the City to review Administrative Penalties and appeals by way of review of Penalty Orders;
- xxviii. **“Screening Review”** means the first stage of an appeal of a Penalty Order comprised of a review of the Penalty Order by a Screening Officer described in paragraphs 1 to 3 of subsection 11 (1) of O. Reg. 355/22.
- xxix. **“Screening Review Decision”** means a notice which contains the decision of a Screening Officer, delivered in accordance with Section 5.11 of this By-law.
- xxx. **“Victims’ Justice Fund Component”** means that portion of an Administrative Penalty that is required to be credited to the victim’s justice fund account in accordance with Section 19 of O. Reg 355/22, which amount is set out in Schedule “B” of this By-law.
- 2.2. A reference in this By-law to any other by-law, legislation or regulation shall be deemed to be to a reference to that by-law, legislation, or regulation as amended or superseded.

3. APPLICATION OF THIS BY-LAW

- 3.1. This By-law shall apply to Contraventions of any Prescribed Provision where evidence has been obtained through the use of a Camera System

4. PENALTY ORDER

- 4.1. An Authorized Person that is satisfied that there has been a Contravention of a Prescribed Provision may, by Penalty Order, impose an Administrative Penalty on an Owner of the motor vehicle involved in the Contravention no later than twenty-three (23) Days after the Day on which the Contravention occurred.

4.2. A Penalty Order shall be in a form prescribed by the Clerk and shall include the following information:

- i. A unique file number.
- ii. The provision contravened.
- iii. The date and location of the Contravention.
- iv. An identification of the motor vehicle that is involved in the Contravention.
- v. The amount of the Administrative Penalty.
- vi. A statement that the Owner of the motor vehicle must, no later than thirty (30) Days after the Day the Penalty Order is served on them, pay the Administrative Penalty unless they commence an appeal in accordance with Section 5 of this By-law.
- vii. A statement that the Owner of the motor vehicle may, no later than thirty (30) Days after the Day the Penalty Order is deemed served, commence an appeal in accordance with Section 5 of this By-law; and
- viii. Information regarding the appeal process including the manner in which to commence an appeal.

4.3. A Penalty Order may include the following information:

- i. A copy of a photograph or image of the motor vehicle involved in the Contravention.
- ii. Statement(s) by the Authorized Person that are certified to be true in respect of the Contravention or in respect of the service of the Penalty Order.

4.4. A Penalty Order may be served in accordance with Section 9 of this By-law.

4.5. Every person who is subject to a Penalty Order shall pay the City within thirty (30) Days, the applicable Administrative Penalty and Administrative Fee, unless the person commences an appeal by submitting a Request for Review by Screening Officer.

5. REVIEW BY SCREENING OFFICER

5.1. A person who is served with a Penalty Order may commence an appeal of the Penalty Order by submitting a Request for Review by Screening Officer within thirty (30) Days after the date on which service of the Penalty Order is deemed to have been affected pursuant to Section 9.1 (b) of this By-law.

5.2. A person or Authorized Representative may submit a Request for Review by a Screening Officer in the manner set out in the Penalty Order and in accordance with Section 10 of this By-law.

- 5.3.** A Request for Review by Screening Officer shall include the Penalty Order file number, the person's contact information including phone number, address, and electronic mail address as available, and the reason(s) for the appeal.
- 5.4.** Where a conflict of interest is identified, the Screening Officer shall administratively confirm the Penalty Order and submit a Request for Hearing Review and provide notice of the Hearing Review to the person or Authorized Representative. For greater certainty, a conflict of interest when identified includes the following:
- i. Where the Screening Officer has professional or personal association with a person; or
 - ii. Where the Owner includes the City, or a professional or personal association to the City.
- 5.5.** The Screening Officer shall determine if the Screening Review is to be conducted orally, electronically or in writing and shall provide a notice of the Screening Review date, time and location to the person requesting the appeal in accordance with Section 9 of this By-law.
- 5.6.** Where the Screening Officer determines that the Screening Review is to be conducted in writing, the person shall be served with a notice of the Screening Review indicating that the review will be conducted in writing. The notice to the person shall include the methods of delivering all documents, evidence, submissions and any other information that the person believes should be considered by the Screening Officer to the City (methods of delivery as set out in Section 10 of this By-law), and the date by which all documents, evidence, submissions and any other information are to be delivered to the City.
- 5.7.** If a date and time is scheduled for a person to make oral submissions in respect of a Screening Review, the person shall attend at the scheduled date, time and location or electronic method.
- 5.8.** No witnesses shall be called in a Screening Review.
- 5.9.** The Screening Officer shall not make a decision unless the person has been given an opportunity to make submissions in the same manner in which the Screening Review is conducted.
- 5.10.** The Screening Officer may confirm, vary, or set aside the Penalty Order in accordance with Section 8 of this By-law, and shall do so as soon as practical after the review is complete.

- 5.11.** The Screening Officer shall serve a copy of the Screening Review Decision to the person appealing the Penalty Order in accordance with Section 9 of this By-law as soon as practical after the decision is made.
- 5.12.** If the Screening Review Decision does not result in the Penalty Order being set aside, the person who is subject to the Penalty Order shall pay the Administrative Penalty within 30 days after the Screening Review Decision is deemed to have been served on the person unless the person has made a Request for Review by Hearing Officer in accordance with Section 6 of this By-law.
- 5.13.** If a Screening Officer considers it fair and appropriate in the circumstances, the person may be approved for a plan of periodic payments that extends beyond the thirty (30)-Day deadline in accordance with Section 8 of this By-law.
- 5.14.** If a person, or Authorized Representative fails to attend at a date, time and location or electronic method for a scheduled Screening Review, or fails to provide any written appeal documents and submissions, the Screening Officer shall:
- i. Deem the person to have abandoned the appeal;
 - ii. Confirm the Administrative Penalty; and
 - iii. Add \$60.00 to the Administrative Penalty pursuant to paragraph 3 of subsection 14(2) of O. Reg. 355/22.

6. REVIEW BY HEARING OFFICER

- 6.1.** A person or Authorized Representative may submit a Request for Review by Hearing Officer within thirty (30) Days after the date on which the service of the Screening Review Decision is deemed to have been affected pursuant to Section 9 of this By-law.
- 6.2.** If a person or Authorized Representative has not submitted a Request for Review by Hearing Officer within thirty (30) Days, the Screening Review Decision shall be deemed final.
- 6.3.** A person or Authorized Representative may submit a Request for Review by a Hearing Officer, in the manner set out in the Screening Review Decision and in accordance with Section 10 of this By-law.
- 6.4.** A Request for Review by Hearing Officer shall include the Penalty Order file number, the person's contact information including phone number, address, and electronic mail address as available, and the reason(s) for the appeal.
- 6.5.** The Hearing Officer shall determine if the Hearing Review is to be conducted orally, electronically or in writing. A Notice of Hearing Review shall be served

by the City to the person requesting the appeal as soon as practicable in accordance with Section 9 of this By-law.

- 6.6.** The Hearing Officer shall not make a determination with respect to a review of the Screening Decision where a person or when applicable, a City representative appears, unless they have given the person and City representative an opportunity to be heard.
- 6.7.** The Hearing Officer may confirm, vary, or set aside the Penalty Order in accordance with Section 8 of this By-law, and shall do so as soon as practical after the review is complete.
- 6.8.** The Hearing Officer shall serve a copy of the Hearing Review Decision to the person requesting the appeal in accordance with Section 9 of this By-law as soon as practical after the decision is made.
- 6.9.** If the Hearing Review of a Penalty Order does not result in the Penalty Order being set aside, the person who is subject to the Penalty Order shall within thirty (30) Days following the date of the Hearing Review Decision pay the Administrative Penalty as set out in the Hearing Review Decision.
- 6.10.** If a Hearing Officer considers it fair and appropriate in the circumstances, the person may be approved for a plan of periodic payments that extends beyond the thirty (30)-Day due date in accordance with Section 8 of this By-law.
- 6.11.** If the person fails to appear at the time date and location for a scheduled Hearing Review, or fails to provide any written appeal documents and submissions, the Hearing Officer shall:
- i. Deem the person to have abandoned the appeal;
 - ii. Confirm the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Review Decision; and
 - iii. Add \$60.00 to the Administrative Penalty pursuant to paragraph 3 of subsection 14(2) of O. Reg. 355/22.
- 6.12.** The decision of a Hearing Officer is final and not subject to review, including review by any Court.

7. TIME EXTENSION

- 7.1.** A person or Authorized Representative may request a time extension of the thirty (30) day time period to request a Screening Review referred to in Section 5.1 above, or of the thirty (30) day time period to request a Hearing Review referred to in Section 6.1 above and either the Screening Officer or Hearing Officer, as the case may be, if they consider the extension fair an appropriate in the circumstances may grant an extension, even after the applicable thirty (30) day period has expired.

- 7.2.** A person or Authorized Representative may submit a request for time extension by submitting a completed Time Extension Form and delivering it to the City in accordance with Section 10 of this By-law.
- 7.3.** A request for a time extension to appeal, shall include the following:
- i. Penalty Order file number;
 - ii. Person's contact information (phone number, address and electronic mail address as available).
 - iii. Reasons for which the time extension is being requested;
 - iv. Copy of any supporting documentation to support the reason for the time extension request; and
 - v. Reasons for having failed to request a Screening Review or Hearing Review within the time limit prescribed in this By-law.
- 7.4.** If a Screening Officer considers it fair and appropriate in the circumstances, they may extend the thirty (30)-Day period to request a Screening Review, and the time extension may be made even after the thirty (30)-Day period has expired.
- 7.5.** If a Hearing Officer considers it fair and appropriate in the circumstances, they may extend the thirty (30)-Day period to request a Hearing Review, and the extension may be made even after the thirty (30)-Day period has expired.

8. DECISIONS OF THE SCREENING OR HEARING OFFICER

- 8.1.** In deciding whether to confirm, vary or set aside a Penalty Order, a Screening Officer shall determine whether it was reasonable for the Authorized Person to impose the Penalty Order.
- 8.2.** In deciding whether to confirm, vary or set aside a Penalty Order, a Hearing Officer shall determine whether the decision of the Screening Officer was reasonable.
- 8.3.** In making a determination, a Screening Officer or Hearing Officer, as the case may be, may consider the following information if available:
- i. Photographs or images taken by the Camera System or enforcement system, as applicable.
 - ii. Statements, including certified statements made by the Authorized Person who imposed the Penalty Order.
 - iii. Documents, including certified documents and any Ministry or out of Province proof of ownership documents, setting out the name and address of the person who is subject to the Penalty Order, a description of the permit and the plate number of the motor vehicle.
 - iv. Submissions by the person requesting the appeal made either in writing or in the manner in which the appeal is conducted.

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- v. Submissions by or on behalf of the City in which the Contravention that is the subject of the Penalty Order occurred, made either in writing or in the way the appeal is conducted; and
 - vi. Any other information, materials or submissions considered to be credible or trustworthy in the circumstances.
- 8.4.** If a Screening Officer or Hearing Officer decides to vary the amount of an Administrative Penalty, they shall vary the amount in accordance with the following:
- i. If the total amount of an Administrative Penalty is decreased, the Victims' Justice Fund Component shall be reduced proportionally to the decrease in the total penalty amount as set out in Schedule B of this By-law.
 - ii. If the total amount of the Administrative Penalty is decreased to zero (0), the Victims' Justice Fund Component is also zero (0).
 - iii. If a person fails to attend in-person as requested, at a date, time and location for a Screening or Hearing Review, the amount of the Administrative Penalty shall be increased by \$60.00 in accordance with Schedule C of this By-law, and this amount shall not affect the Victims' Justice Fund Component portion calculation.
 - iv. The Administrative Penalty shall not be increased other than in accordance with Section 8.4 (c) of this By-law.
- 8.5.** A person claiming financial hardship or seeking a plan of period payments under this By-law, shall provide documented proof of the financial hardship to the Screening Officer or the Hearing Officer, as applicable, and approval of a plan of periodic payment may be conditional on the payment of a specified amount of the Administrative Penalty and Victims' Justice Fund Component being made on or before a specified date.
- 8.6.** In respect to considerations for undue financial hardship, the person shall provide documented proof of financial assistance such as:
- i. Old Age Security.
 - ii. Canada Pension.
 - iii. Guaranteed Income Supplement.
 - iv. Disability Pension.
 - v. Ontario Student Assistance Program; or
 - vi. Any other form of social assistance.
- 8.7.** Where an Administrative Penalty is set aside by a Screening Officer or Hearing Officer, any Administrative Fee(s) is also cancelled.

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- 8.8.** A Screening Officer or Hearing Officer does not have the 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.
- 8.9.** If before a final decision is made in respect of an appeal, a Screening Officer or Hearing Officer, becomes aware that contrary to subsection 21.1 (4) of the HTA, the person who is subject to the Penalty Order is charged with an offence under the HTA in respect of the same Contravention, the Screening Officer or Hearing Officer shall set aside the Penalty Order.

9. SERVICE OF DOCUMENTS

- 9.1.** The service of any document, including a Penalty Order, Screening Review Decision or Hearing Review Decision issued pursuant to this By-law, when delivered in any of the following ways, is deemed served:
- i. Immediately, when a copy is delivered to the person to whom it is addressed.
 - ii. On the seventh (7) Day following the Day a copy is sent by mail or courier to the person's last known address; or
 - iii. Immediately upon sending a copy by electronic mail to the person's last known electronic mail address.
- 9.2.** For the purposes of administration of this this By-law, a person's most recent address includes the 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, and may include an electronic mail address provided by the person to the City as may be required by a form, practice or policy necessary to implement this By-law.
- 9.3.** If a person who is subject to a Penalty Order resides outside Ontario, or in the case of a corporation, has its principal place of business outside of Ontario, service may be effected on the person by mail or by courier to the address outside of Ontario, and service shall be deemed to be effected on the seventh (7) Day following the Day on which it was mailed or couriered.
- 9.4.** For the purpose of Section 9.2, the address 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.

10. NOTICES TO CITY

- 10.1.** Any notice or document to be delivered to the City provided for in this By-law shall be in writing and delivered to the Legislative Services Department, AMPS Division in any of the following manners:

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- i. By completing and submitting an on-line form through the City's designated on-line portal set out on the City's website or on the Penalty Order.
 - ii. Personally, by delivering a copy to the city during its regular business hours to the address set out on the City's website or on the Penalty Order.
 - iii. By mail provided mailing ensures the notice or document is received by any due date stated addressed to the address set out on the City's website or on the Penalty Order; or
 - iv. By e-mail at the e-mail address set out on the City's website or on the Penalty Order.

11 ADMINISTRATION

11.1 The Clerk, or any individual designated by the Clerk for this purpose in writing, shall administer this By-law and establish any additional practices and procedures necessary to implement this By-law and may amend such practices and procedures from time to time as the Clerk deems necessary, without amendment to this By-law provided that such practices and procedures are not in conflict, or inconsistent with any applicable statute or regulation.

11.2 The Clerk, or any individual designated by the Clerk for this purpose in writing, shall prescribe all forms and notices, including the Penalty Order, necessary to implement this By-law and may amend such forms and notices from time to time as the Clerk deems necessary, without amendment to this By-law, provided that the contents of such forms and notices are not in conflict, or inconsistent with the HTA or any Regulations.

11.3 An Administrative Penalty and/or any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for periodic payments has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the City owed by the person.

11.4 Where an Administrative Penalty for Contravention of the HTA, and any applicable Administrative Fee(s) are not paid by the due date, the City may notify the Ministry, and the Ministry may refuse to issue or validate the permit of the Owner until the Administrative Penalty and any applicable Administrative Fee(s) are paid to the Ministry.

11.5 Where a person makes payments to the City of any Administrative Penalty and/or Administrative Fee(s), by negotiable instrument for which there are insufficient funds available in the account on which the instrument is drawn, the person shall pay to the City the NSF Fee set out in the City's Fees and Charges By-law 2012-137 as amended.

11.6 Any time limit that would otherwise expire on a Holiday is extended to the next Day that is not a Holiday.

11.7 When an Administrative Penalty is paid, the City shall arrange for the Victims' Justice Fund Component as determined in Schedule B of this By-law, to be credited to the provincial Victims' Justice Fund account before retaining any portion of the payment.

11.8 Any schedule attached to this By-law forms part of this By-law.

12 SEVERABILITY

12.1 Should any provision, or any part of a provision, of this By-law to be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of the Council that a such provision, or any 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.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS xx DAY OF xx 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Attachment 2: Schedule A: Rate of Speed

SCHEDULE "A"

ADMINISTRATIVE PENALTY FOR AUTOMATED ENFORCEMENT BY-LAW

Administrative Penalties for Speeding Contraventions Detected Using Camera Systems

RATE OF SPEED FEE

In accordance with Table 1 Ontario Regulation 355/22 **Administrative Penalties for Contraventions Detected Using Camera Systems**

In respect of a Contravention of subsection 128(1) of the HTA

COLUMN 1	COLUMN 2	COLUMN 3
TIER	KM/HR OVER MAXIMUM SPEED LIMIT	RATE OF PENALTY
1	1 - 19 km / hr.	\$5.00 per km
2	20 - 29 km / hr.	\$7.50 per km
3	30 - 49 km / hr.	\$12.00 per km
4	50 km / hr. or more	\$19.50 per km

SCHEDULE “B”

ADMINISTRATIVE PENALTY FOR AUTOMATED ENFORCEMENT BY-LAW

VICTIM COMPONENT FEE

In accordance with Table 2 Ontario Regulation 355/22 Administrative Penalties
for Contraventions Detected Using Camera Systems

In respect of a Contravention of subsection 128(1) of the HTA

COLUMN 1	COLUMN 2	COLUMN 3
TIER	PENALTY AMOUNT IN ACCORDANCE WITH SCHEDULE A	VICTIM COMPONENT FEE AMOUNT
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
13	\$1000+	25% of Penalty Amount

SCHEDULE “C”

ADMINISTRATIVE PENALTY FOR AUTOMATED ENFORCEMENT BY-LAW

ADMINISTRATIVE FEES

In accordance with Ontario Regulation 355/22 Administrative Penalties for
Contraventions Detected Using Camera Systems

COLUMN 1	COLUMN 2	COLUMN 3
ITEM	FEE DESCRIPTION	FEE AMOUNT
1	Screening Review Appointment	\$60.00
2	No Show Fee	\$60.00
3	Hearing Review Appointment	\$8.25