



The Corporation of the Town of Tecumseh

Policy Manual

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Effective Date:	Click here to enter a date.
Supersedes:	N/A
Approval:	Click or tap here to enter text.
Subject:	Draft Policy - AMPS Financial Management

1. Purpose

- 1.1 The Corporation of the Town of Tecumseh (Town) shall establish a financial management policy for the reporting and tracking of administrative penalties and fees under the Town's Administrative Monetary Penalty System (AMPS).
- 1.2 In accordance with Ontario Regulation 333/07 under the *Municipal Act, 2001*, a municipality is required to establish a policy relating to financial control in the administration of AMPS.

2. Policy Statement

- 2.1 The Town is committed to ensuring accurate financial management and reporting responsibilities in relation to the AMPS. An administrative penalty is a penalty imposed by By-Law Enforcement staff on behalf of the Town, upon an offender within the context of an administrative process. The penalty, once confirmed, is considered a debt owed to the Town.
- 2.2 The Town has authorized the appointment and use of Screening and Hearing Officers to hear and decide the outcome of any disputes related to Penalty Notices issued for violations of those designated by-laws pursuant to the AMPS.
- 2.3 The system of administrative penalties incorporates defined options for the person against whom an administrative penalty is imposed to exercise, including an ability to request an extension of time for payment of an Administrative Penalty Notice.

3. Scope

- 3.1 This Policy applies to all financial management regarding the AMPS.
- 3.2 All persons involved in AMPS administration shall comply with this Policy.

4. Policy

4.1 Payment of a Penalty Notice

- 4.1.1 Any person issuing a Penalty Notice for an infraction of a designated by-law is not permitted to accept payment for an administrative penalty.
- 4.1.2 Screening and Hearing Officers do not have authority to accept any payment from any person in respect of an administrative penalty.
- 4.1.3 Town employees involved in receiving payment for an administrative penalty shall ensure compliance with corporate and/or departmental cash handling policies and/or standard operating procedures.
- 4.1.4 If a person has paid any administrative fees in respect of an administrative penalty and a Screening or Hearing Officer subsequently cancels the penalty, the Town shall refund in full such administrative fees to the person.

4.2 Methods of Payment

- 4.2.1 Following the issuance of a Penalty Notice, a voluntary payment may be made using one of the following methods, which are subject to change at the discretion of the Director Financial Services & Chief Financial Officer ("CFO"):

- a) In person using cash, cheque, or debit at:

Town of Tecumseh Town Hall
917 Lesperance Road
8:30 am to 4:30 pm Monday to Friday
(holidays excluded)

- b) Overnight drop box using a cheque at:

Town of Tecumseh Town Hall
917 Lesperance Road

- c) By mail using a cheque and mailed to:

Town of Tecumseh
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

- 4.2.2 The Penalty Notice number must be written on the front of the cheque and shall be made payable to The Corporation of the Town of Tecumseh.
- 4.2.3 Payment is not considered made until received by the Town. Persons must allow sufficient mailing time for payments. Post-dated cheques or payments by installments will not be accepted.
- 4.2.4 Non-sufficient funds (NSF) cheques will be subject to an administrative fee in accordance with the Town's Fees and Charges By-law.
- 4.2.5 Additional administrative fees, where applicable, may be charged to a person with a Penalty Notice in accordance with Town by-laws.

4.3 Extension of Time for Payment

- 4.3.6 The Screening Officer has the residual discretion to cancel, reduce, or extend the time for payment of an administrative penalty. This is intended to address obvious errors without requiring a person to pursue review by a Hearing Officer.
- 4.3.7 The Screening Officer will consider reasonable requests for an extension of time to pay on a case by case basis, but is not obligated to grant the extension.
- 4.3.8 The Hearing Officer only has the authority to either:
 - a) Cancel or confirm the administrative penalty, and/or
 - b) Extend the time for payment of an administrative penalty.
- 4.3.9 As with the Screening Officer, the Hearing Officer will consider reasonable requests for extension of the time to pay on a case-by-case basis, but is not obligated to grant the extension.
- 4.3.10 The extension of time by either the Screening Officer or the Hearing Officer should not exceed 180 days (6 months).
- 4.3.11 The decision of the Hearing Officer is final.

4.1 Refunds

4.1.12 The authority to authorize a refund rests with the Director Legislative Services & Clerk or designate.

4.1.13 Situations that could constitute a valid reason for a refund would include:

- a) **Double Payment:** the penalty has been attempted to be paid twice. This could occur in situations where a person pays the penalty and for whatever reason the penalty is attempted to be paid again. Examples may include: the driver of a rental car pays the penalty late and the rental car company attempts to pay the penalty again after receiving notice, the person forgets that payment was made and attempts to pay again, a technological issue where the payment confirmation is not received leading to the penalty attempting to be paid again.
- b) **Over Payment or Payment Error:** the person pays more than the allotted penalty, requiring the excess to be refunded; or the person pays the penalty immediately, and then prior to the 15-days period, reconsiders and requests a screening which results in a reduction or cancellation of the penalty.
- c) **Penalty Notice Error:** the penalty notice was issued in error and the payment was made prior to the notice being cancelled. Examples of this include: a fatal error on the face of the ticket including wrong plate, offence date, location, make of vehicle, or listed offence; a notice issued in error including situations where an offence was not committed.

4.1.1 Unless outlined in this Policy no refund shall be contrary to the amount stipulated in the decision from the Screening or Hearing Officer.

5. Responsibilities

The Director Financial Services & Chief Financial Officer and the Director Legislative Services & Clerk are responsible for this Policy.

6. Policy Review

This Policy will be periodically reviewed and updated as required.

7. References and Related Documents

Municipal Act, 2001
Ontario Regulation 333/07 (Administrative Penalties)
By-law Establishing System of Administrative Penalties
Administrative Fees and Charges By-law