



BY-LAW NUMBER 2024-

A By-law of The Corporation of the City of Barrie to amend By-law 2024-086 to enhance compliance with its by-laws respecting the speed of vehicles in Community Safety and School zones through means of an Administrative Penalty System within the municipality

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 ("The Municipal Act, 2001") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 10(1) of the Municipal Act, 2001 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 434.1 of the Municipal Act 2001 permits a municipality to require a Person to pay an Administrative Penalty if the municipality is satisfied that the Person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS this by-law shall be subject to the rules and procedures included in the *Highway Traffic Act R.S.O. 1990, c. H. 8*, as amended (the "*Highway Traffic Act, 1990*"), and its regulations;

AND WHEREAS Section 21.1 of the *Highway Traffic Act* provides for the use of Administrative Penalties in order to promote compliance with the Act;

AND WHEREAS Ontario Regulation 355/22, as amended, provides for the use of Administrative Penalties for camera based offences;

AND WHEREAS Ontario Regulation 398/19, as amended, provides for the use of Automated Speed Enforcement camera systems in community safety zones designated by by-law passed under section 214.1 (1) of the *Highway Traffic Act*, where the prescribed rate of speed is less than 80 kilometres per hour, or in school zones designated by by-law under clause 128 (5) (a).2017, c. 9, s. 5 of the *Highway Traffic Act*;

AND WHEREAS pursuant to motion 24-G-100 the Council of The Corporation of the City of Barrie has deemed it expedient to implement an Administrative Penalty System which is fair, transparent and an alternative method to adjudicate Contraventions and enhance compliance with its by-laws respecting the speed of vehicles in Community Safety Zones and School Zones within the City of Barrie;

AND WHEREAS it is deemed expedient that the Council of The Council of the Corporation of the City of Barrie amend By-law 2024-086, being a by-law to enhance an Administrative Penalty System within the municipality.

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1. **THAT** Section 2.3.6.1.0 of Administrative Penalty By-law 2024-086 be amended to add the following to the list of reasons a Screen Officer shall set aside a Penalty Order:

2.3.6.1.0 Financial Hardship

2. **THAT** Section 2.3.6.2.0 of the Administrative Penalty By-law 2024-086, be deleted and replaced with the following:

2.3.6.2.0 A Screening Officer shall only vary the amount of the Penalty Order upon receiving credible evidence that the Person is subject to financial hardship in addition to the list of reasons set out in 2.3.6.1.0. The Screening Officer must weigh and justify the reasons for a variation. If the reasons provided are so strong to justify a variation, the Screening Officer should set aside a Penalty Order to ensure the integrity of the program.

READ a first and second time this 20th day of November 2024.

READ a third time and finally passed this 20th day of November 2024.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – ALEX NUTTALL

CITY CLERK – WENDY COOKE