



Municipality of Hastings Highlands - Corporate Policies and Procedures			
DEPARTMENT: Administration			POLICY #:
POLICY: Prevention of Political Interference for the Administration of the Administrative Penalty System			
DATE: June 18, 2025	REV. DATE:	COVERAGE: Members of Council, Municipal Staff, Screening Officers, Hearing Officers	PAGE #: 1-6

1. Policy Statement

This Policy is to ensure that the Administrative Penalty System is conducted in a fair and independent manner, preventing interference in the administration of APS.

2. Purpose

- 2.1. Ontario Regulation 333/07 pursuant to the *Municipal Act, 2001* requires a municipality establishing an Administrative Penalty System to have a policy for the prevention of political interference in the Administrative Penalty System.
- 2.2. The purpose of this Policy is to define what constitutes political interference in relation to APS, to ensure the responsibilities of the Screening Officer and Hearing Officer are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality and integrity, without any political interference.

3. Scope

- 3.1. This Policy applies to all elected Members of Council, Screening Officers, Hearing Officers and Municipal staff involved in the enforcement and administration of APS.
- 3.2. For Municipal staff engaged in the administration of APS, the Code of Conduct and Ethics Policy, and any successor Policy, shall also apply in regard to the activities of an employee in the administration of APS.
- 3.3. In regard to Members of Council, this Policy should be read and interpreted within the context of prevailing Provincial legislation (i.e., *Municipal Conflict of Interest Act*) and the Council Code of Conduct, including its related policies, procedures and guidelines.

4. Definitions

For the purposes of this Policy, the following definitions are defined in accordance with the APS Bylaw:

Administrative Fee means any fee specified in the Administrative Penalty Systems Bylaw or its Schedule 'B';

Administrative Penalty means an administrative penalty established by the Administrative Penalty Systems Bylaw for a contravention of a Designated Bylaw, as defined therein;

APS means Administrative Penalty System;

Administrative Penalty Systems Bylaw means the bylaw passed by the Municipality to establish administrative penalties for Designated Bylaws, as amended from time to time, or any successor thereof;

Chief Administrative Officer or CAO means the employee who is responsible for exercising general control or management of the administration and affairs of the Municipality and other duties as directed by Council;

Council means the Council of the Corporation of the Municipality of Hastings Highlands;

Council Code of Conduct means the Code of Conduct for Members of Council, adopted by the Municipality to govern the conduct of Members of Council, as amended from time to time, or any successor thereof;

Designated Bylaw means a bylaw, or a part or provision of a bylaw, that is designated under the Administrative Penalty Systems Bylaw;

Code of Conduct and Ethics means the Policy adopted by the Municipality to govern employee conduct, provide ethical standards and address conflicts of interest, as amended from time to time, or any successor thereof;

Hearing Officer means any person who is appointed from time to time, to perform the functions of a Hearing Officer in accordance with the Administrative Penalty Systems Bylaw;

Hearing Review means the process related to review of a screening decision;

Municipality means the Corporation of the Municipality of Hastings Highlands;

Municipal Freedom of Information and Protection of Privacy Act means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended from time to time, or any successor thereof;

Officer means a Municipal Bylaw Enforcement Officer, Chief Building Official, Fire Chief or designate appointed by the Municipality to administer and enforce the Administrative Penalty Systems Bylaw;

Penalty Notice means a formal notification issued by an Officer informing an individual or organization that they have violated a bylaw in accordance with the Administrative Penalty Systems Bylaw;

Person mean and includes any individual, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

Power of Decision means a power or right, conferred by or under the Administrative Penalty Bylaw, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person;

Screening Officer means any person who is appointed from time to time, to perform the functions of a Screening Officer in accordance with the Administrative Penalty Systems Bylaw;

Screening Review means the process related to review of a Penalty Notice.

5. Policy Communication

- 5.1. This Policy will be posted on the Municipality's website.
- 5.2. Staff will be advised of the new Policy via distribution through the Senior Leadership Team.
- 5.3. Members of Council shall be provided with a copy of this Policy.
- 5.4. This Policy shall form part of the orientation for all Members of Council at the start of a new term of Council.
- 5.5. This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and all those involved in the enforcement and administration of APS.

6. Principles of Preventing Political Interference

- 6.1. No person shall attempt, directly or indirectly, to communicate with a Screening or Hearing Officer, or Municipal staff performing duties related to the administration of APS for the purpose of influencing or interfering, financially, politically or otherwise, with the administration of the APS program or any particular Penalty Notice.

- 6.2. All individuals involved with the enforcement and administrative functions of the APS program shall carry out such duties in a manner which upholds the integrity of the administration of justice.

7. Accountability

- 7.1. A Screening Officer or Hearing Officer, or any Municipal staff performing duties related to APS shall report any attempt at influence or interference, financial, political or otherwise by a Person, to the CAO as soon as possible. No action shall be taken against the Screening Officer, Hearing Officer, or Municipal staff for making any such report in good faith.
- 7.2. Where any Screening Officer, Hearing Officer, or any Municipal staff performing duties related to APS, is contacted by a Member of Council with respect to the administration of APS or a specific Penalty Notice, they shall immediately disclose such contact to the CAO in order to maintain the integrity of APS.
- 7.3. Any interference or attempt to interfere with APS by any Person may result in charges under the Criminal Code of Canada, Provincial Statute or other disciplinary action.
- 7.4. Any interference or attempt to interfere with APS by a Member of Council may be considered a Council Code of Conduct violation. Cases involving Members of Council will be referred to the Integrity Commissioner for their review and report.
- 7.5. The CAO will determine, on a case-by-case basis, whether the attempt to influence is significant enough to warrant assigning another screening or hearing officer as the case may be.