



| Municipality of Hastings Highlands - Corporate Policies and Procedures                                           |                   |                                                                              |                       |
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| <b>DEPARTMENT:</b><br>Administration                                                                             |                   |                                                                              | <b>POLICY #:</b>      |
| <b>POLICY:</b><br>Financial Management and Reporting for the Administration of the Administrative Penalty System |                   |                                                                              |                       |
| <b>DATE:</b><br>June 18, 2025                                                                                    | <b>REV. DATE:</b> | <b>COVERAGE:</b><br>Municipal Staff, Screening Officers,<br>Hearing Officers | <b>PAGE #:</b><br>1-5 |

## 1. Policy Statement

1.1 This Policy is to establish financial management and reporting responsibilities related to the *Administrative Penalty System (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 to address *Financial Management and Reporting for the Administration of the Administrative Penalty System*.

2.2 The purpose of this Policy is to provide guidance and establish financial management and the reporting and tracking of *Administrative Penalties and Fees*. This policy affirms that the *Municipality* shall follow the existing corporate policies and procedures related to the *Financial Management and Reporting for the Administration of the Administrative Penalty System*.

## 3. Scope

3.1 This Policy applies to all financial management and reporting responsibilities and accountabilities regarding *APS*. All *Persons* responsible for administering the *APS* program, as well as *Screening Officers* and *Hearing Officers*, shall comply with this Policy.

3.2 The *Municipality* has established a number of financial management policies and procedures, which along with proactive financial planning processes provide a framework for the *Municipality's* overall fiscal planning and management. The *Municipality* continues to display financial accountability through regular, thorough, and transparent financial performance reporting and analysis. This will be reflected in routine reporting on *APS* financial results, as well as efficiency and effectiveness measures of the *APS* program and services.

## 4. Definitions

4.1 For the purposes of this Policy, the following definitions are defined in accordance with the

*Administrative Penalty System Bylaw:*

**Administrative Fee(s)** means any fee specified in the *Administrative Penalty System Bylaw* or set out in its Schedules 'A' and 'B';

**Administrative Penalty** means an *Administrative Penalty* established by the *Administrative Penalty System Bylaw* for a *Contravention of a Designated Bylaw*, as defined therein;

**Administrative Penalty System Bylaw** means the bylaw passed by the *Municipality* to establish *Administrative Penalties* for the *Contravention of Designated Bylaws*, as amended from time to time, or any successor thereof;

**APS** means Administrative Penalty System;

**Contravention** means, in the context of an Administrative Penalty System Bylaw, a violation, breach, or failure to comply with a law, specifically a Designated Bylaw.

**Contravention Date** means the specific date on which the violation or offence actually occurred and is specified on the *Penalty Notice*, pursuant to this bylaw;

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

**Day** means any calendar *day*;

**Decision** means a notice that contains a *Decision* made by a *Screening Officer* or *Hearing Officer* delivered in accordance with the *Administrative Penalty System Bylaw*;

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

**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 System Bylaw*;

**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;

**Non-Sufficient Funds (NSF)** means a situation where a financial institution refuses a payment because the account does not contain enough money to cover the amount payable.

**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*

*System Bylaw;*

**Penalty Notice** means a formal notification issued by an *Officer* informing an individual or organization that they are in *Contravention a Designated Bylaw* in accordance with the *Administrative Penalty System Bylaw*;

**Penalty Notice Number** means the reference number specified on the *Penalty Notice* that is unique to that *Penalty Notice*, pursuant to this bylaw;

**Person** means 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;

**Screening Officer** means a *Person* from time to time appointed pursuant to the *Administrative Penalty System Bylaw* who performs the duties of *Screening Officer* as set out pursuant to the *Administrative Penalty System Bylaw*;

**Treasurer** means the *Person* responsible for handling all of the financial affairs of the *Municipality* on behalf of and in the manner directed by the *Council* of the *Municipality*, as defined in the *Municipal Act, 2001*.

## 5. Policy Communication

5.1 This Policy will be posted on the *Municipality's* website.

5.2 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. General Financial Management and Reporting

6.1 Staff must maintain all records relevant to administering this policy in a recognized Municipal recordkeeping system and in accordance with Municipal Records Management policies and procedures.

6.2 Preparation of the *Municipality's* budget revolves around priority setting that reflects the *Municipality's* Strategic Plan, *Council* priorities, service delivery objectives and standards and historical financial performance; all balanced with the need for prudent financial management. Priority setting and budgeting with respect to *APS* shall be the responsibility of the Bylaw Enforcement Department, in consultation with the *Treasurer*.

6.3 Through the process of current and capital *Financial Management and Reporting for the Administration of the Administrative Penalty System*, the Bylaw Enforcement Department, in consultation with the *Treasurer*, shall:

- (a) review and monitor current year actual, budgeted and projected financial performance and operating results;
- (b) proactively compare program financial activity with past performance to identify trends, issues and opportunities;
- (c) determine priorities for maintaining and improving *APS* program services levels.

- (d) review and develop long-term plans for *APS* including a multi-year operating and capital budget analysis and projections, as applicable;
- (e) identify and mitigate factors impacting the *APS* budget and financial performance, such as inflation, fixed costs and legislative requirements that are beyond the control of Municipal decision-makers;
- (f) comply with all corporate reporting standards and requirements as part of the *Municipality's Financial Management and Reporting for the Administration of the Administrative Penalty System* process;
- (g) ensure all necessary financial signing authorities are in place and followed by all staff involved in *APS* administration; and
- (h) comply with all Municipal procurement policies and procedures in regard to *APS*.

## 7. Payment of a Penalty Notice

7.1 Any *Officer* issuing a *Penalty Notice* for a *Contravention* of a *Designated Bylaw* is prohibited from directly accepting any payment from any *Person* in respect of a *Penalty Notice*.

7.2 *Screening Officers* and *Hearing Officers* are prohibited from directly accepting any payment from any *Person* in respect of a *Penalty Notice*.

7.3 Municipal staff shall ensure compliance with corporate and/or departmental cash/payment handling procedures for financial stewardship.

## 8. Methods of Payment

8.1 Following the issuance of a *Penalty Notice* or a Notice of Decision, the *Person* shall make a payment by using one of the following methods:

- (a) In *person* by cash, cheque or debit at the Municipal Administration Office (33011 Hwy 62N in Maynooth, ON) during regular business hours or outside of regular business hours in the designated drop box;
- (b) By mailing a cheque or money order to the *Municipality* at:

**The Municipality of Hastings Highlands  
Bylaw Enforcement Department**

**P.O. Box 130**

**33011 Hwy 62N**

**Maynooth, ON K0L 2S0**

**Attention: APS Program**

- (c) Online.

For further Information on how to pay online, please call (613) 338-2811 or 1-877-338-2818.

This process involves a *Person* or Bylaw Enforcement *Officer* requesting that the finance department issue an invoice for the *Penalty Notice* via the *Municipality's* Accounts Receivable financial system. Additional time is required for creating an invoice and processing online payments.

8.2 The *Penalty Notice Number* must be written on the front of the cheque and shall be made payable to "The *Municipality* of Hastings Highlands". The *Municipality* does not accept cheques drawn from U.S. banks.

8.3 Payment is not considered made until received and processed by the *Municipality*. *Persons* must allow sufficient mailing time for payments and should not send cash by mail. Post-dated cheques or payment by installments (unless otherwise agreed by the Bylaw Enforcement *Officer*, *Screening Officer* or *Hearing Officer*) are not accepted. A fee will be applied for any Non-Sufficient Funds (NSF), cancelled, or reversed payment, in accordance with the *Municipality's* User Fees and Service Charges Bylaw.

## **9. Processing Payments**

9.1 Payments will be processed as follows:

(a) *In Person*

Apply the appropriate method of payment to the *Penalty Notice*. The *Person* is provided with a receipt of payment for their records.

(b) *By Mail*

Apply the cheque to the *Penalty Notice*. Upon receipt of a *Penalty Notice* payment, Municipal staff will apply the payment to a specific *Penalty Notice*. A receipt is not provided when using this method of payment.

(c) *Online*

Once an invoice is issued by Hastings Highlands, a *Person* can create an online account to pay the applicable invoice by credit card, via the *Municipality's* website. The *Person* may print or email a receipt of payment as proof of payment for their records. A *person's* credit card information is not kept by the *Municipality's* system, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. NOTE: A third-party fee is charged for online credit card payments.

(d) Alternatively, a *Person* can use their Hastings Highlands issued invoice to make a payment via their financial institution by adding the "*Municipality of Hastings Highlands – Accounts Receivable*", or "*Hastings Highlands AR or Accounts Receivable*" as a PAYEE, then use the Account number from the invoice to complete the payment transaction.

9.2 A copy of the receipt for a paid *Penalty Notice* shall be forwarded to the Bylaw Enforcement Department via internal mail.

## **10. Refund of Payment**

10.1 If a *Person* has paid any *Administrative Fee* in respect of a *Penalty Notice*, and the *Administrative Fee* or part thereof is later cancelled or reduced by a *Screening Officer* or *Hearing Officer*, the *Municipality* shall refund the *Administrative Fee* or part thereof cancelled or reduced to the *Person* within 30 *Days*.

## **11. Administrative Fees**

11.1 Various *Administrative Fees* may be payable by a *Person* with a *Penalty Notice* as set out in the *Administrative Penalty System Bylaw*. Where applicable, such fees shall be paid in addition to the *Administrative Penalty*.