



GRAND VALLEY

# Traffic Violation Reimbursement Policy

<b>Department:</b>	Corporation Wide
<b>Section:</b>	Administration
<b>Subject:</b>	Driver/Operator Liability – Repayment of traffic violation fines to the Municipality
<b>Effective Date:</b>	January 28, 2025
<b>Council Approval:</b>	

## 1. PURPOSE

Employees who operate a Municipal Vehicle have a duty to carry out their work in a safe, lawful and efficient manner, and to maintain good public relations with others who use the Municipality's roadways. As an operator of a Municipal Vehicle, employees accept responsibility for the vehicle they operate, including exercising due care and diligence in the safe operation of the vehicle, and ensuring compliance with municipal by-laws, parking enforcement, and the Highway Traffic Act (HTA) and related statutes and regulations.

This Policy provides how the Town of Grand Valley will proceed when a Municipal Vehicle, operated by an Employee, receives a Ticket. The Policy sets out the responsibilities of the driver and of the Municipality, as the owner of the vehicle/equipment.

The purpose of this document is to establish a corporate procedure outlining an employee's responsibility to:

- a. comply with the Highway Traffic Act (HTA) and related statutes, regulations, and by-laws, including parking by-laws and Camera-Based Enforcement System(s), while driving a Municipal Vehicle; and,
- b. pay any Tickets issued to Municipal Vehicles operated by the employee at the time the Ticket was issued, or, where warranted, to seek the cancellation of a parking Ticket or notice of violation.

## 2. DEFINITIONS

**“Camera-Based Enforcement System”** means red-light cameras, automated speed enforcement systems, school bus arm cameras, or similar systems governed by the Highway Traffic Act, R.S.O. 1990, c. H.8;

**“Employee”** means any salaried officer or any other person in the employ of the Town of Grand Valley or of a local board and includes councilors and persons that provide services on behalf of the Municipality without remuneration, provided that such persons are appointed of the Municipality or volunteers acting under the direction of a person in the employ of the Municipality. Employee includes full-time, part-time, seasonal, student, contract, volunteer staff and emergency responders.

**“Municipal Vehicle”** means any vehicle, mobile equipment or machinery owned, leased, or rented by the Town of Grand Valley. Examples include, but are not limited to, light & medium duty vehicles, heavy duty trucks, heavy duty equipment, fire apparatus vehicles, trailers, and trailer mounted equipment;

**“Municipality”** means the Town of Grand Valley;

**“Operator”** means the Employee who is actively operating, driving or otherwise responsible for the Municipal Vehicle; only one person can be the Operator for a vehicle at a given time; and

**“Ticket(s)”** means any by-law ticket, penalty order, notice of fine, notice of violation, notice of contravention, infraction notice, or any other document setting out an offence that notifies the Municipality of a fine or penalty including, but not limited to, driving infractions, parking tickets and violations from a Camera-Based Enforcement System issued to a Municipal Vehicle.

### **3. APPLICATION**

This Policy applies to all employees, including council members, full-time, part-time, seasonal, student, contract staff, volunteers and emergency responders, who operate any Municipal Vehicle.

### **4. RESPONSIBILITY**

- a. The Chief Administrative Officer is responsible for the overall implementation and monitoring of this Policy.
- b. The Chief Administrative Officer is responsible for determining whether an offence notice should be appealed.
- c. The senior management team is responsible for ensuring that their own actions and those of service area employees are compliant with the policy.
- d. Supervisors/Managers are responsible for ensuring that all employees understand this policy prior to the operation of a Municipal Vehicle.
- e. Employees must read and adhere to this Policy.

### **5. POLICY**

- a. Employees operating Municipal Vehicles must comply with the *Highway Traffic Act (HTA)* and all related statutes and regulations, and municipal by-laws, including parking by-laws, including those outside of the Town of Grand Valley.
- b. Employees operating Municipal Vehicles must comply with all provisions and requirements of policies, procedures, and training issued by the Municipality in relation to vehicle and mobile equipment operation.
- c. Where, in the course of operating a Municipal Vehicle (whether during working hours or otherwise), an Operator of a Municipal Vehicle knowingly receives a Ticket, or a Ticket is issued to the vehicle, the Operator is required to report all known Tickets to their supervisor immediately upon receipt.
- d. The Operator at the time of the infraction is responsible for paying all charges related to any infraction (i.e., parking, red light, speeding, towing, Camera Based Enforcement Systems, and impoundment charges) resulting from failure to comply with the *HTA* and its Regulations, any municipal by-laws, or Criminal Code of Canada infractions where they pertain to vehicle/equipment operation. Failure to pay for the Ticket within the required payment period, following the issuance of said Ticket, results in a respective *Notice of Conviction* or *Notice of Impending Conviction* being sent

to the Municipality.

- e. Departments must not, under any circumstances, reimburse employees for payment of such Tickets, nor relieve the employee's responsibility to pay Tickets, including but not limited to Tickets from a Camera-Based Enforcement System.
- f. Employees who do not comply with this Policy will be subject to discipline based on the nature and seriousness of the misconduct and following the Municipality's corrective action processes, up to and including termination of employment for just cause.
- g. Missed or incomplete payments may result in further disciplinary action.

### **Exemptions**

- h. Exemptions for emergency vehicles are outlined in the *HTA* and may be amended from time to time. The speed limits prescribed under the applicable section of the *HTA* or any regulation or by-law passed under the applicable section in the *HTA* do not apply to an emergency services vehicle while proceeding to a fire or responding to an emergency call, but not returning from a fire alarm or other emergency call.
- i. An Employee of Emergency Services who receives a Ticket will not be responsible for paying the fine on condition that while driving, the Operator was exercising their duty to respond to an emergency. If Emergency Services believes that the employee should not pay the fine, Emergency Services should consult the CAO to determine whether the Municipality should (a) appeal the Offence Notice; or (b) absorb the cost and pay the fine (to avoid spending time and money fighting the ticket).
- j. If the CAO decides to appeal the Offence Notice, the CAO shall arrange for representation of the Municipality during the appeal process as applicable to the situation. If the prosecution does not withdraw the charge, the Municipality will cover the cost of the Ticket and indemnify the employee.
- k. In the event that the emergency vehicle cannot be determined as responding to a call, a review by the appropriate department would then be conducted in accordance with this procedure.

### **Exceptions**

- i. Managers retain the right to use their discretion on a case-by-case basis to determine whether an Employee should be responsible for paying the fine. When exercising their discretion, Managers should respect and uphold the Municipality's commitment to safe vehicle operating practices.  
  
If a manager believes that the Municipality should indemnify an Employee by paying the fine on their behalf or appealing the Ticket, the Manager should:
  - a. Consult the Indemnification By-law to determine whether:
    - i. the Ticket arose as a result of the Operator's good faith pursuit or performance of the Employee's assigned duties; and
    - ii. whether the criteria of the Indemnification By-Law is met.
  - b. Contact the CAO to discuss whether the Municipality will indemnify the driver.

## **PROCEDURE**

### **Tickets Given Directly to a Municipal Employee**

1. Where, in the course of operating a Municipal Vehicle (whether during working hours or otherwise), an Operator of a Municipal Vehicle receives a Ticket, the Operator is required to pay for the infraction, and immediately provide the infraction information to their supervisor.
2. Employees may pay parking tickets or other Tickets by any of the available methods listed on the Ticket.

### **Notice of Impending Conviction/Conviction Received**

3. Where a Ticket issued against a Municipal Vehicle is not paid within the required payment period following issuance, a *Notice of Impending Conviction* is issued to the Municipality as the registered owner, lessee, or renter of the vehicle/equipment.
4. When a *Notice of Impending Conviction* or a *Notice of Conviction* is received, the Municipality will arrange payment of the fine amount and for charge back of the accumulated fines to the respective Department. This is done to prevent Municipally-owned, leased or rented license plates from being sent to the Province for “plate denial status” (i.e., where the Ministry of Transportation will not allow renewal of license plates until outstanding parking Ticket fines are paid).
5. When the Ticket has been received to be paid by the Municipality, the identified Operator is to be notified and required to repay the cost to the Municipality within fifteen (15) days of being notified by the Municipality.
6. An Employee's failure to pay the fine/penalty as required – either within fifteen (15) day payment period or within any extended payment period granted to the Employee – may be subject to any or combination of the following: late fees, re-licensing denial, and/or disciplinary action.

### **Tickets Mailed Directly to the Municipality**

7. In cases where the Ticket is sent directly to the Municipality relating to the operation of a Municipal Vehicle (whether during working hours or otherwise), naming it as the party responsible for a Ticket (as the vehicle/equipment owner), the Ticket will be:
  - i. Logged in the processing system designed to keep track of such Tickets (such as excel or spreadsheets) by the manager receiving the ticket.
  - ii. Forwarded to the Chief Administrative Officer (or their designate) within five (5) working days of receiving the Ticket to identify the department and/or driver of the vehicle or equipment. Where necessary, fleet telematics, timesheets, operator logs or other tools will be consulted. The Chief Administrative Officer will then give the ticket to the Supervisor/Manager in charge of the vehicle against which the Ticket was given.
  - iii. The Manager of the Operator will provide a copy of the Ticket to the Operator within five (5) working days of receiving this information (so long as the employee is not on vacation or otherwise on leave).
  - iv. Upon receiving the Ticket, it is the responsibility of the Operator to submit payment to the Municipality within fifteen (15) days of notification, by providing payment to the Accounts Payable Clerk. Confirmation of payment receipt should be provided by the Operator's Manager and to the CAO and entered in the processing system.
  - v. Unless the Municipality is notified of a dispute of Ticket and as the owner of the

vehicle/equipment, the Municipality will be responsible for making the payment for the fine to the appropriate authority within the required timeline. An Employee who is notified that a violation has been issued to them, as the identified operator, is required to reimburse the Municipality for payment of the fine/penalty through the Finance Department within fifteen (15) calendar days of receiving notice from their supervisor, unless granted an extension to pay by the Municipality.

- vi. As unpaid violations are subject to late fees and re-licensing denial, the total of the penalties, original violation costs, late fee and services fee will be directed to the Operator.

#### **Employee Request for Extension to Pay**

8. An Employee facing financial barriers to paying the fine/penalty within the fifteen (15) day payment period may seek from the Department Manager or their immediate supervisor, within seven (7) days of issuance,
  - i. an extension on the fifteen (15) day payment period for a period not longer than 6 months; and/or
  - ii. a chance to make the payment in instalments over a 6-month period.

#### **DISPUTE PROCESS**

The dispute of a Ticket mailed directly to the Municipality and/or provided to an Employee shall proceed as follows:

##### **Tickets Given Directly to an Employee**

9. If an Operator believes that a parking ticket was issued in error, they may seek its cancellation within seven (7) days of issuance by providing written justification to their supervisor. The written justification must demonstrate that the Ticket meets criteria for the respective Municipality's Parking Ticket Cancellation Guidelines or similar, if available. Where necessary, the Operator will be provided the full details of their Ticket, including photos where applicable, if required to provide their written justification.

##### **Tickets Issued to Municipal Vehicle (Camera Enforcement System, Notice of Impending Conviction, Part I or Part III tickets)**

10. If an Operator believes that a Ticket was issued in error, they may seek its cancellation within seven (7) days of issuance by providing written justification to their supervisor. An Operator wishing to seek cancellation of a Ticket may request the full details of the issued Ticket, including photos where applicable. The written justification must demonstrate that there is a clear error for the issuance of the Ticket.
11. The supervisor shall review the Operator's written justification to determine whether to proceed with Operator's request for cancellation of the Ticket. If the cancellation request is supported by the supervisor, the Municipality shall seek cancellation of the Ticket as per the respective Municipality's processes and, if necessary, the Employee may become a witness in a resulting proceeding.
12. An Employee whose request for cancellation was not supported by the supervisor may seek a review of the issue by their Department Manager (or designate) if:
  - a. they have reason to believe that their request met the criteria in the respective Municipality's reasons for objection, but it was not properly assessed by the supervisor; and/or

- b. they have new information that will enable their request to meet the criteria in the respective Municipality's reason for objection; or
  - c. they believe there is a demonstrated error in the issuance of the Ticket or have new information that demonstrates an error in the issuance of the Ticket.
13. If the Department Manager or designate supports the request for cancellation, they shall discuss with the CAO, and should the CAO concur, the Department Manager shall seek cancellation of the Ticket in the respective Municipality's approved manner and, if necessary, the Employee may become a witness in a resulting proceeding.
14. If the Department Manager or their designate does not support the cancellation request, the Employee must pay the full sum of the Ticket within seven (7) days of receiving the written notification of their Department Manager's decision, or within the fifteen (15) day payment period since they received the Ticket, whichever is later. An Employee is not allowed to dispute a Ticket externally, outside the decision of the Department Manager or their designate.
15. Employees facing financial barriers to paying the fine/penalty may still seek, before their payment due date and not more than seven (7) days after receiving notification of their Department Manager or their designates decision, an extension on their payment period in accordance with *Employee Request for Extension to Pay* above.

## **RESPONSIBILITIES**

### **Employee**

It is the responsibility of the Employee to:

- d. Immediately report to their supervisor any known violation that results in a Ticket being issued for any infraction resulting from the use of a Municipal Vehicle.
- e. Ensure vehicle operating logs and checks are always completed accurately and on time.
- f. Participate in any investigations related to an infraction timely and accurately.
- g. Pay for any Ticket and related costs found to be their responsibility while operating a vehicle within the time period identified and provide a copy to supervisor.
- h. Notify their supervisor and/or Department management of any objection to a Ticket issued to them as an operator, within the time period provided.

### **Supervisor**

It is the responsibility of the supervisor to:

- a. Ensure staff operating Municipal Vehicles are aware of this procedure and process.
- b. Determine the operator and without delay, notify the respective employee as soon as possible once notification of an infraction is made to them.
- c. Evaluate any dispute evidence presented to them without delay, in a fair and objective manner and provide timely, written feedback to the employee.

### **Department Managers**

It is the responsibility of the Department Manager to:

- a. When necessary and applicable, without delay, review employee submissions related to the request for the Municipality to pursue the cancellation or objection to a notice of violation issued to a Municipal Vehicle.

- b. Provide written response of decision to any employee requesting a review for cancellation of a Ticket.

### **Directors**

It is the responsibility of Director to:

- a. Determine the department to which any Ticket issued would be applicable.
- b. For rental and leased vehicles, receive and process violation notifications.
- c. For Municipally owned vehicles, notify the Finance Department of the details of violation information that employees are required to reimburse, and to request payment.
- d. If notified of a violation, follow up as required as per the municipality's policies and procedures for discipline, if applicable.

### **REFERENCES AND RELATED DOCUMENTS**

1. Highway Traffic Act (HTA)
2. Indemnification By-law
3. Daily Vehicle Inspection Records
4. Daily Timesheets

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