



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>	May 27, 2025
<b>Council Approval:</b>	2025-05-

### 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 Municipality will proceed when a Municipal Vehicle, operated by an Employee, receives a Ticket. The Policy sets out the responsibilities of the Operator 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 Operator at the time the Ticket was issued, or, where warranted, to seek the cancellation of a parking Ticket or notice of violation.

### 2. DEFINITIONS

- a) **“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;
- b) **“Emergency Services”** mean police, fire or paramedic services provided through a department of the Municipality.
- c) **“Employee”** means any salaried officer or any other person in the employ of the Municipality or of a local board and includes councillors and persons that provide services on behalf of the Municipality without remuneration, provided that such persons are appointed by the Municipality

or volunteers acting under the direction of a person in the employ of the Municipality. Employee also includes full-time, part-time, seasonal, student, contract, volunteer staff and emergency responders.

- d) **“Municipal Vehicle”** means any vehicle, mobile equipment or machinery owned, leased, or rented by the Municipality. 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;
- e) **“Municipality”** means the Corporation of the Town of Grand Valley;
- f) **“Operator”** means the Employee who is operating, driving or otherwise responsible for or in control of the Municipal Vehicle; only one person can be the Operator for a Municipal Vehicle at a given time; and
- g) **“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 who operate any Municipal Vehicle.

### 4. RESPONSIBILITY

#### Employee

It is the responsibility of the Employee to:

- a. 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.
- b. Ensure vehicle operating logs and checks are always completed accurately and on time.
- c. Participate in any investigations related to an infraction, in a timely manner.
- d. 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.
- e. Notify their supervisor and/or Department management of any objection to a Ticket issued to them as an operator, within the time period provided.

#### Senior Management Team

It is the responsibility of the senior managers to:

- a. Ensure Operators are aware of this procedure and process.
- b. Upon receipt of notice of a Ticket, determine the operator involved and notify the respective Operator without delay.
- c. When necessary and applicable, without delay, review employee submissions related to a request for the Municipality to pursue the cancellation or objection to a notice of violation issued to a Municipal Vehicle.
- d. Evaluate any dispute evidence presented to them without delay, in a fair and objective manner and provide timely, written feedback to the Employee.
- e. Provide written response of decision to any employee requesting a review for cancellation of a Ticket.

## Chief Administrative Officer

It is the responsibility of Chief Administrative Officer to:

- a. Ensure the Senior Management Team is aware of this procedure and process.
- b. Ensure compliance with this procedure and process.
- c. Determine the department to which any Ticket issued would be applicable, if presented with a ticket received by mail.
- d. Notify the Finance Department of the details of violation information that employees are required to reimburse, and to request payment.
- e. Upon review of a recommendation from a Senior Manager regarding a request for cancellation or objection, or a request to pay on behalf of the Employee, decide the course of action to take under this policy or other town policies.
- f. If notified of a violation of this policy, follow up as required as per the municipality's policies and procedures for discipline, if applicable.

Only the Chief Administrative Officer has the authority to direct the filing of a cancellation request or ticket appeal.

## 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 receives a Ticket, or a Ticket is issued to the Municipal Vehicle, the Operator is required to report the Ticket 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 cause.
- g. Missed or incomplete payments may result in 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 disputing the ticket).
- j. If the CAO decides to appeal the Ticket, the Chief Administrative Officer ("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 and the appeal is unsuccessful, the Municipality will pay the cost of the Ticket and indemnify the Employee for same.
- 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 or to request that the CAO either indemnify the Employee or appeal the Ticket. 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; and
- b. Contact the CAO to discuss whether the Municipality will indemnify the driver. Indemnity will be granted in accordance with the Town's Indemnification By-law only.

## **6. PROCEDURE**

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

- a. 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 and proof of payment to their supervisor.
- b. Employees may pay parking tickets or other Tickets by any of the available methods listed on the Ticket.

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

- c. Where a Ticket issued against a Municipal Vehicle is not paid within the required payment period following issuance, a *Notice of Impending Conviction* will be issued to the Municipality as the registered owner, lessee, or renter of the vehicle/equipment.
- d. Where a Penalty Order is issued against a Municipal Vehicle, the Municipality will receive the Order

by mail. 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 avoid 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).

- e. 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 avoid 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).
- f. When the Ticket has been received to be paid by the Municipality, the CAO shall provide the Ticket to the supervisor with vehicle responsibility, who will then review their records to identify the Operator. Where necessary, fleet telematics, timesheets, operator logs or other tools will be consulted. The identified Operator will be notified and required to repay the cost to the Municipality within fifteen (15) days of being notified by the Municipality.
- g. 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.

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

- h. 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 stamped by reception on the date received, then:
  - i. Forwarded to the Chief Administrative Officer (or their designate) who will work with Senior Management 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.
  - ii. 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).
  - iii. Unless the Municipality is notified of a dispute of Ticket and as the owner of the Municipal Vehicle, 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.
  - iv. 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**

- i. 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. permission to make the payment in instalments for a period of not longer than 6 months. .

### **Dispute Process**

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

- j. If an Operator believes that a parking ticket was issued in error, they may seek its cancellation within seven (7) days of issuance or notification of the ticket by providing written justification to their supervisor. The written justification must demonstrate that the Ticket meets criteria for the respective issuing Municipality's Ticket Cancellation Guidelines or similar, if available. Where necessary, the Operator will be provided the full details of their Ticket by the issuing Municipality, including photos where applicable, if required to provide their written justification. The written justification must demonstrate that there is a clear error for the issuance of the Ticket.
- k. 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, they must consult the CAO for final decision. If the Municipality seeks cancellation of the Ticket as per the respective Municipality's processes, the Employee may become a witness in a resulting proceeding.
- l. An Employee whose request for cancellation was not supported by the supervisor may seek a review of the issue by their Department Manager (or CAO, if no other Manager exists) 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; 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.
- m. 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.
- n. 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. Because the vehicle is owned by the Municipality, an Employee is not allowed to dispute a Ticket externally, outside the decision of the Department Manager or their designate.
- o. 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's or their designate's decision, an extension on their payment period in accordance with *Employee Request for Extension to Pay* above.

## **7. REFERENCES AND RELATED DOCUMENTS**

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