



Prevention of Political Interference – Administrative Monetary Penalty System

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Policy Statement

The policy applies to members of council, committees, employees, volunteers, contractors, and consultants with the Municipality of Northern Bruce Peninsula. It is intended to prevent political interference in the administration of the Administrative Monetary Penalty System (AMPS).

This policy defines what constitutes political interference in relation to the AMPS program. This policy is to ensure the responsibilities of the Screening and Hearing Officers are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality, and integrity, without any political interference.

Legislative Authority

- Ontario Regulation 333/07
- Municipal Act, 2001
- Municipality of Northern Bruce Peninsula AMPS By-law

Purpose

In accordance with Ontario Regulation 333/07, the Municipality is required to establish a Policy for the prevention of political interference in AMPS.

Definitions

For the purpose of this Policy:

Administrative Monetary Penalty System (AMPS)

The system established by the Municipality of Northern Bruce Peninsula pursuant to Ontario Regulation 333/07 under the Municipal Act, 2001 and the Municipality's AMPS By-law, providing a civil process to administer, dispute, and enforce municipal penalty notices.

AMPS By-law

The by-law enacted by the Municipality of Northern Bruce Peninsula to establish and govern the Administrative Monetary Penalty System.

Clerk

The Clerk of the Municipality of Northern Bruce Peninsula or their designate.

Council

The elected Council of the Municipality of Northern Bruce Peninsula.

Employee

Any individual employed by the Municipality of Northern Bruce Peninsula on a full-time, part-time, temporary, or contract basis.

Hearing Officer

An individual appointed by the Municipality to conduct hearings under the AMPS program and to make independent, impartial decisions regarding the confirmation, reduction, or cancellation of Administrative Monetary Penalties.

Penalty Notice

A notice issued under the AMPS By-law alleging a contravention of a municipal by-law and imposing an Administrative Monetary Penalty.

Political Interference

Any direct or indirect attempt by a Member of Council, committee member, employee, volunteer, contractor, consultant, or any other person to improperly influence, interfere with, or attempt to alter:

- the issuance of a Penalty Notice;
- the screening or hearing process;
- the decision of a Screening Officer or Hearing Officer; or
- the administration or enforcement of the AMPS program, for financial, political, personal, or other improper purposes.

Procedural Independence

The authority and obligation of Screening Officers and Hearing Officers to carry out their duties and make decisions free from external influence, direction, or interference, including from Members of Council or municipal administration, except as permitted by law.

Screening Officer

An individual appointed by the Municipality to review and make decisions regarding disputes of Penalty Notices at the screening stage of the AMPS process.

Volunteer, Contractor, or Consultant

Any individual who performs duties or provides services on behalf of the Municipality of Northern Bruce Peninsula in relation to the AMPS program who is not a municipal employee.

Good Faith

An honest and sincere intention to act without malice, fraud, or intent to deceive, and with a reasonable belief that the information being reported is true.

Procedure

Regarding members of Municipality of Northern Bruce Peninsula Council, this policy should be read and interpreted within the context of prevailing provincial legislation (i.e.,

Municipal Conflict of Interest Act) and the Code of Conduct for Council, including its related policies, procedures, and guidelines.

Principles of Preventing Political Interference

- No person shall attempt, directly or indirectly, to communicate with employees or other persons performing duties related to the administration of AMPS for the purpose of influencing or interfering, financially, politically, or otherwise, with the administration of the AMPS program or any particular Penalty Notice;
- All individuals involved with the enforcement and administrative functions of the AMPS program shall carry out such duties in a manner which upholds the integrity of the administration of justice.

Accountability

Attention is brought to the fact that any interference with the AMPS program may result in charges under the Criminal Code of Canada, Provincial statute, or other disciplinary action.

A Screening or Hearing Officer, employee or other person performing duties related to the AMPS program under this policy shall report any attempt or perceived attempt to political influence or interference, financial, political, or otherwise, to the Municipal Clerk. No action shall be taken against the employee or other person(s) for making any such report in good faith.

Where any employee, Screening Officer, Hearing Officer, or other person performing duties related to the AMPS program, is contacted by a Member of Council with respect to the administration of the AMPS program, they shall immediately disclose such contact to the Municipal Clerk to maintain the integrity of the AMPS program.

A Screening Officer or Hearing Officer shall disclose any actual or perceived political interference as soon as possible to the Municipal Clerk.

This policy does not prevent a Screening Officer or Hearing Officer from seeking and receiving advice from an appropriate member of Municipality staff.