

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2022-004

SPEEDING COMPLAINT POLICY

WHEREAS, Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, the Council of the Tay Valley Township deems it expedient to establish a consistent process upon which to address speeding complaints;

AND WHEREAS, the Ontario Provincial Police and the Tay Valley Police Services Board has been consulted and endorse the Speeding Complaint Policy;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1.0 GENERAL REGULATIONS

1.1 **THAT**, the Speeding Complaint Policy, attached hereto as Schedule "A", be adopted.

2.0 ULTRA VIRES

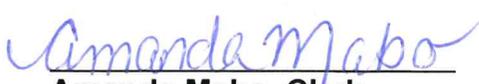
Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3.0 EFFECTIVE DATE

ENACTED AND PASSED this 22nd day of March, 2022.


Brian Campbell, Reeve




Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-004**

SUBJECT: SPEEDING COMPLAINT POLICY

1.0 PURPOSE

This policy provides a consistent and uniform process to respond to speeding complaints.

2.0 LEGISLATIVE AUTHORITY

Section 11(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

3.0 SCOPE

3.1 This policy applies to speeding complaints on Township Roads.

3.2 This policy does not apply to speeding complaints pertaining to specific drivers and vehicles.

4.0 DEFINITIONS

“85th Percentile Speed” – shall mean the speed at which 85% of traffic travels at or below on a given Township Road.

“Complainant” – the person who is dissatisfied and filing the complaint.

“Monitoring Device” – shall include, but not be limited to, traffic counters and an electronic speed sign.

“Municipality” – shall mean the Corporation of Tay Valley Township.

“Speeding Concern” – shall mean that if the 85th Percentile Speed on a Township Road posted/unposted as 80 km/h is above 10 km/h of the posted or unposted speed limit it shall be deemed a Speeding Concern. If the 85th Percentile Speed on a Township Road posted/unposted as less than 80 km/h is above 8 km/h of the posted or unposted speed limit it shall be deemed a Speeding Concern.

“Township Road (Municipal Road)” – shall mean a road within the Municipality that has been designated as a Township Road in the current Road Naming By-Law.

5.0 INITIAL SPEEDING COMPLAINT

5.1 Receipt of Complaint

5.1.1 All speeding complaints received by the Township will be reported using the Complaint Form on the Municipal Website.

5.1.2 The following information is required to process the complaint:

- Name, address and contact information of the Complainant
- Date and time of received complaint
- Location of perceived speeding issue
- Approximate frequency of perceived speeding incidents as determined by the Complainant (i.e. daily occurrence, only weekends, summer months).

5.2 Acknowledgement

Complaints shall be submitted to the Clerk's Office. Upon receipt, the complaint will be given a tracking number and will be acknowledged in writing within 7 (seven) calendar days.

5.3 Traffic Monitoring and Reporting

5.3.1 Upon receipt of a complaint, the Clerk's Office shall coordinate with the Public Works Department to schedule a time to monitor the Township Road with a Monitoring Device.

5.3.2 The Township Road that is the subject of the speeding complaint shall be monitored for a minimum of seven (7) days.

5.3.3 The following information shall be collected and recorded:

- Location of Monitoring Device (longitude, latitude);
- Beginning and end date of monitoring; and
- Traffic counts and speeds.

5.3.4 Traffic reports shall be created using the appropriate software and may include:

- Speed Data Analysis Report
- Police Graphs Report
- Tabular Report
- Data Summary Report
- Enforcement Evaluation Report

5.4 Communication of Findings

5.4.1 The results of the monitoring will determine the next steps to be taken. Scenario 1 and 2 below define the possible outcomes of the monitoring:

Scenario 1:

If a Speeding Concern is not identified, no further action will be taken.

Scenario 2:

If a Speeding Concern is identified, all traffic monitoring reports shall be sent to the OPP for review and enforcement-based considerations. Members of the Tay Valley Police Services Board will also be copied on the communication to the OPP.

5.4.2 For areas identified as a Speeding Concern, the OPP will report the outcome of enforcement initiatives to the Municipality.

5.4.3 Under both scenarios, the Complainant will be notified and offered copies of the traffic monitoring reports generated. The notification shall contain a summary of the measures taken and the decisions that have been made as a result of the complaint. The complaint will then be considered closed.

5.4.4 The traffic monitoring reports shall be valid for a six (6) month period.

5.4.5 Additional Complaints for the same section of road within the six (6) month period shall be forwarded the notification and traffic monitoring reports generated by the original Complaint.

6.0 SUBSEQUENT SPEEDING COMPLAINT

6.1 Receipt of Complaint

6.1.1 If a second speeding complaint is received after the expiry of the six (6) month period, the Monitoring Device will be deployed again subject to Sections 5.3.2, 5.3.3 and 5.3.4.

6.2 Communication of Findings

6.2.1 The results of the monitoring will determine the next steps to be taken. Scenario 1 and 2 below define the possible outcomes of the monitoring:

Scenario 1:

If a Speeding Concern is not identified, no further action will be taken.

Scenario 2:

If a Speeding Concern is identified, a resource-based approach will be utilized with such measures as:

- the deployment of the Monitoring Device as a mitigation measure for a minimum of two (2) weeks and a maximum of four (4) weeks; and
- review by the OPP of all information and reports related to the Speeding Concern to determine additional enforcement-based considerations; and
- other measures as they become available may also be considered by the Public Works Department.

6.2.2 For areas identified as a Speeding Concern, once additional enforcement initiatives have been undertaken the OPP will report the outcome to the Municipality.

6.2.3 Under both scenarios, the Complainant will be notified and offered copies of the traffic monitoring reports generated. The notification shall contain a summary of the measures taken and the decisions that have been made as a result of the complaint. The complaint will then be considered closed.

6.2.4 The traffic monitoring reports shall be valid for a six (6) month period.

6.2.5 Additional Complaints for the same section of road within the six (6) month period shall be forwarded the notification and traffic monitoring reports generated by the original Complaint.

7.0 THIRD SPEEDING COMPLAINT

7.1 Receipt of Complaint

7.1.1 If a third speeding complaint is received after the expiry of the second six (6) month period, the Monitoring Device will be deployed again subject to Sections 5.3.2, 5.3.3 and 5.3.4.

7.2 Communication of Findings

7.2.1 The results of the monitoring will determine the next steps to be taken. Scenario 1 and 2 below define the possible outcomes of the monitoring:

Scenario 1:

If a Speeding Concern is not identified, no further action will be taken.

Scenario 2:

If a Speeding Concern is identified, The Public Works Manager shall consider various traffic calming measures for Council consideration (i.e. speed limit reduction, signage, physical traffic calming equipment, design related mitigations, or other engineering or legislative options available to Council). In consultation with the Police Services Board, the Public Works Manager shall prepare a report to Council with a recommendation on the next steps to be taken.

- 7.2.2 Under both scenarios, the Complainant will be notified and offered copies of the traffic monitoring reports generated. The notification shall contain a summary of the measures taken and the decisions that have been made as a result of the complaint. The complaint will then be considered closed.

8.0 RECORDS MANAGEMENT AND PRIVACY

All records relating to the complaint shall be maintained in accordance with the Municipality's record retention schedule.

During the complaints process, all Municipal employees shall adhere to all applicable legislation regarding privacy in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Complainants should be aware that certain circumstances may indirectly identify them during an investigation.

9.0 ACCOUNTABILITY FRAMEWORK

The Clerk is responsible for ensuring compliance with this policy.

10.0 POLICY REVIEW

This policy shall be reviewed as required.

11.0 REFERENCES

Forms

Complaint Form

Policies and Procedures/Documents

Complaint Policy