



## **City of Kingston By-Law Number 2023–214**

### **“Community Standards By-Law”**

**Passed:** December 5, 2023

**This By-Law will not be in Effect until May 1, 2024**

## **City of Kingston By-Law Number 2023–214**

### ***Community Standards By-Law***

1 <sup>st</sup> Reading	November 21, 2023
2 <sup>nd</sup> Reading	November 21, 2023
3 <sup>rd</sup> Reading	December 5, 2023
Passed	December 5, 2023

# **City of Kingston By-Law Number 2023–214**

## ***Community Standards By-Law***

<b>1</b>	<b>INTERPRETATION</b>	<b>5</b>
<b>2</b>	<b>ADMINISTRATION</b>	<b>9</b>
<b>3</b>	<b>PURPOSE &amp; INTENT</b>	<b>10</b>
<b>4</b>	<b>ODOURS</b>	<b>10</b>
<b>5</b>	<b>BUILDING MATERIALS AND CONSTRUCTION DUST</b>	<b>11</b>
<b>6</b>	<b>IDLING</b>	<b>12</b>
<b>7</b>	<b>FEEDING OF WILDLIFE</b>	<b>13</b>
<b>8</b>	<b>TEXTILE COLLECTION SITES &amp; FLYERS</b>	<b>14</b>
<b>9</b>	<b>SAFE USE OF PUBLIC PLACES</b>	<b>15</b>
<b>10</b>	<b>RETAIL ESTABLISHMENT SHOPPING CART STANDARDS</b>	<b>17</b>
<b>11</b>	<b>DAMAGE TO CITY PROPERTY</b>	<b>17</b>
<b>12</b>	<b>ENFORCEMENT</b>	<b>17</b>
<b>13</b>	<b>OFFENCES &amp; ADMINISTRATIVE PENALTIES</b>	<b>18</b>
<b>14</b>	<b>WORK ORDERS &amp; REMEDIAL ACTION</b>	<b>19</b>
<b>15</b>	<b>GENERAL</b>	<b>20</b>

# City of Kingston By-Law Number 2023–214

## *Community Standards By-Law*

### **Whereas:**

The *City* is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act, 2001*;

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, s. 5 (1));

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3));

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1));

A single-tier municipality may pass by-laws respecting:

- (a) economic, social and environmental well-being of the municipality, including respecting climate change;
- (b) health, safety and well-being of persons;
- (c) protection of persons and property, including consumer protection;
- (d) structures, including fences and signs; and
- (e) business licensing,

(*Municipal Act, 2001*, s. 10 (2));

A municipality may delegate its powers and duties under the *Municipal Act, 2001* to a person or body subject to the restrictions set out in Part II of the *Municipal Act, 2001* (*Municipal Act, 2001*, s. 23.1);

A municipality may require the owner or occupant of land to clean and clear the land, or to clear refuse or debris from the land, and may regulate when and how those matters shall be done (*Municipal Act, 2001*, s. 127);

A municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances (*Municipal Act, 2001*, s. 128 (1)); and

## Community Standards By-Law

A municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors (*Municipal Act, 2001*, s. 129).

Therefore, Council enacts:

### 1 Interpretation

1.1 This by-law may be cited as the *Community Standards By-Law*.

1.2 In this by-law:

**“administrative penalty”** means an administrative penalty that a *person* is required to pay pursuant to the *Administrative Penalty By-Law*;

**“Administrative Penalty By-Law”** means *City of Kingston By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties”*;

**“agricultural equipment”** means equipment that is operated on an *agricultural property*;

**“agricultural property”** means a property that is zoned for agricultural use in the *zoning by-law*;

**“boat”** means a ship or any other description of vessel or floating craft designed, used or capable of being used for navigation and that is not propelled by oars, and includes a *boat* used exclusively for towing purposes, a water taxi and a *boat* used on water for living purposes;

**“bridge”** means a bridge forming part of a *highway* or on, over or across which a *highway* passes;

**“building materials”** means all material or debris associated with *construction activities*, and includes expanded/extruded polystyrene (EPS) foam, wood, gypsum board, roofing materials, pipes, wiring, siding, metal, and packaging materials, but does not include *dust*;

**“bus”** means a school bus, tour bus, or motor coach, but does not include a *Kingston Transit vehicle*;

**“City”** means The Corporation of the City of Kingston;

## Community Standards By-Law

**“City property”** means any *premises* that is owned, occupied or managed by the *City*, and includes a *highway* and a *Kingston Transit vehicle*;

**“construction activities”** means anything done in the construction, erection, installation, extension, or material alteration or repair of a *premises*, including decorative stonework, landscaping, retaining walls, and walkways;

**“Council”** means the council of the *City*;

**“Director”** means the Director of the *Licensing and Enforcement Department*, the *Director’s* designate, or, in the event of organizational changes, the director of the successor division or department responsible for the administration of this by-law;

**“domestic animal”** means an animal that is kept as a household pet, including a hen kept pursuant to a hen coop permit and a pigeon kept pursuant to a pigeon loft permit, all in accordance with City of Kingston By-law Number 2021-166, *Animal Control By-law*;

**“drive-thru”** means the use of a *premises*, or a part of a *premises*, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to *persons* remaining in *vehicles* that are in a lane dedicated by signs for that purpose;

**“drug paraphernalia”** means equipment, products or accessories intended or modified for using a controlled substance, as defined or described in Schedules I, II or III of the *Controlled Drugs and Substances Act, 1996 chapter 19*;

**“dust”** means solid particles which may become or be airborne as a result of *construction activities*, including trimming, blasting, drilling, crushing, sandblasting, grinding, sawing, screening, cutting, altering or moving of clay, mortar, stone, rock, stucco, concrete, tile, and insulation;

**“Environmental Protection Act”** means the *Environmental Protection Act*, R.S.O. 1990, c. E.19;

**“fight”** means any confrontation involving violent physical contact between two or more *persons*;

**“flyer”** means any unaddressed printed or written matter, including a circular, leaflet, pamphlet, paper, booklet, postcard, or any other printed or otherwise reproduced matter of literature, that: (a) advertises or otherwise promotes any

## Community Standards By-Law

merchandise, product or commodity; or (b) directs attention to any business or mercantile or commercial establishment, for the purpose of either directly or indirectly promoting the interests thereof; or (c) directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission is charged for the purpose of commercial gain or profit;

**“food”** means anything that can be consumed by an animal for sustenance, but does not include composting materials kept in accordance with all applicable laws, regulations and by-laws, and landscaping materials or plants, trees or shrubs (including shrubs, berries on shrubs, trees, herbs, vegetables on vegetable plants, and fruit on trees);

**“highway”** means a common and public highway and includes any *bridge*, trestle, viaduct or other structure forming part of the highway and includes a sidewalk and a portion of a highway;

**“idle”** or **“idling”** means the operation of the engine of a *boat* or *vehicle* while the *vehicle* or *boat* is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the *vehicle* or *boat*;

**“Kingston Transit vehicle”** means a *vehicle* used as part of a passenger transportation system established, operated or maintained by the *City*;

**“Licensing and Enforcement Department”** means the Licensing and Enforcement Department or in the event of organizational changes, the successor division or department responsible for the administration of this by-law;

**“loiter”** means to use or occupy a space other than for its intended purpose or to occupy a space such that it is not usable by others;

**“motor vehicle”** means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle;

**“Municipal Act, 2001”** means the *Municipal Act, 2001*, S.O. 2001, c.25;

**“offensive odours”** means an odour which emanates from a *premises* onto another *premises* and unreasonably disturbs the comfort of neighbours or residents;

**“owner”** includes with respect to *premises*, the registered owner, occupant, tenant, or the *person* managing or receiving the rent of the *premises*;

## *Community Standards By-Law*

**“park”** means any *premises* owned, leased, or controlled by the *City* or a school board and designated or used as parkland or as a trail, including gardens, playgrounds, sports fields, skate parks, splash parks, pools and beach areas;

**“penalty notice”** means a notice given pursuant to subsections 2.2 and 2.4 of the *Administrative Penalty By-Law*;

**“person”** includes an individual, a corporation, a partnership, and an association;

**“premises”** means land or a structure;

**“Provincial Offences Act”** means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

**“provincial offences officer”** has the meaning given to it in the *Provincial Offences Act*;

**“public place”** means a place outdoors to which the public is ordinarily invited or permitted access, and includes *highways*, parking lots, *parks*, conservation areas, school grounds, and outdoor *City property*;

**“retail establishment”** means a business, property or *person* that owns or provides *shopping carts* to its customers for use on its business *premises*;

**“shopping cart”** means a device made available by a *retail establishment* for the purpose of allowing customers to convey goods purchased from the business while on the business *premises* or in the associated parking area;

**“textile collection site”** means an area accessible to the public, which is marked by signs identifying the name of the textile collector and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods;

**“tour boat”** means a *boat* that carries paying passengers on a regular route, including a cruise ship, but excluding a ferry *boat*;

**“treasurer”** means the individual appointed by the *City* as treasurer or the *treasurer’s* designate;



## Community Standards By-Law

**“unsafe disposal”** means throwing, dropping, placing, or otherwise depositing or permitting to be deposited needles or syringes, or any part thereof, in a manner other than in needle disposal containers made available for that purpose;

**“vehicle”** includes a *motor vehicle*, traction engine, farm tractor, road-building machine, and any vehicle drawn, propelled or driven by any kind of non-muscular power, but does not include cars of electric or diesel electric railways running only upon rails;

**“vehicle with power take-off”** means a *vehicle* containing work equipment that must be powered by the *vehicle* engine;

**“wildlife”** means an animal that belongs to a species that is wild by nature and includes coyotes, foxes, deer, wild rabbits, raccoons, opossums, squirrels, skunks and pests, but does not include *domestic animals*; and

**“zoning by-law”** means *City of Kingston Zoning By-Law Number 2022–62* or the applicable zoning by-law that is in effect in respect of the subject *premises*.

1.3 For the purposes of interpreting this by-law:

- (a) a reference to any legislation, regulation, or by-law or to a provision thereof includes a reference to any legislation, regulation or by-law enacted, made or passed in substitution thereof or amendment thereof;
- (b) any reference to legislation or by-laws includes all of the regulations made thereunder; and
- (c) “include”, “includes” and “including” indicate that the subsequent list is not exhaustive.

1.4 This by-law will not be interpreted as exempting any *person* from the requirement to comply with any other *City* by-law or federal or provincial legislation. In the event of conflict between the provisions of this by-law and any other *City* by-law, the provision that establishes the higher standard of health, safety and well-being of *persons* and protection of *persons* will apply.

## 2 Administration

2.1 The *Director* is responsible for the administration of this by-law.

## *Community Standards By-Law*

- 2.2 Where this by-law provides that the *Director* may do an act, the *Director* may, when doing the act, seek and consider information or documents from any *person*, and may consult with other *City* employees, legal counsel, or other advisors, all as the *Director* considers necessary.
- 2.3 Where this by-law provides that the *Director* may do an act, it may be done by an individual authorized by the *Director* to do the act.

### **3 Purpose & Intent**

- 3.1 The purpose of this by-law is to promote a healthy, safe and vibrant community for all residents and visitors in the City of Kingston by regulating and prohibiting activities or conditions that interfere with the public's right to use and enjoy public spaces or that negatively impact the safety, comfort or wellbeing of the community.
- 3.2 This by-law conveys to the *Director* all necessary and proper powers to abate the activities and conditions described in subsection 3.1, while recognizing that enforcement action may be undertaken through various means.

### **4 Odours**

- 4.1 No *person* will keep on any *premises*:
- (a) refuse, garbage receptacles, animal excrement or compost in a manner that becomes a nuisance by creating *offensive odours* or attracting *wildlife* or pests, including vermin, rodents or termites; or
  - (b) any substance or materials stored in a manner that becomes a nuisance by emitting *offensive odours*.
- 4.2 Subsection 4.1 does not apply to:
- (a) *agricultural properties* or to any normal farm practice, as determined pursuant to the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1; and
  - (b) activities that are prescribed by section 2 of Ontario Regulation 1/17 filed under the *Environmental Protection Act*.

## 5 Building Materials and Construction Dust

- 5.1 An *owner* of *premises* engaged in *construction activities* will ensure that building materials on the *premises* are removed or contained and secured in such a manner that prevents such *building materials* from being blown off or scattered from the *premises*.
- 5.2 No *person* will cause or permit *dust* that occurs as a result of *construction activities* to escape a *premises* onto another *premises*.
- 5.3 Subsection 5.2 does not apply if reasonable preventative measures were taken to prevent *dust* from escaping a *premises*. Reasonable preventative measures must include one or a combination of the following dust control measures, to the satisfaction of the *Director*:
- (a) wetting the *building materials*;
  - (b) using a wet saw;
  - (c) tarping or otherwise containing the source of the *dust*;
  - (d) installing wind fencing or a fence filter at the height of and surrounding the work area;
  - (e) using a vacuum attachment when cutting, grinding, sanding or scraping;  
or
  - (f) any other preventative measure deemed by the *Director* to be adequate in the mitigation of *dust* escaping a *premises* based on the nature of the activity.
- 5.4 Subsection 5.2 does not apply to:
- (a) construction, rehabilitation, or maintenance processes using construction equipment conducted by, or on behalf of the Province of Ontario, the Government of Canada, a company operating as a utilities provider, or any of their respective agencies or agents;
  - (b) emergency measures undertaken for the immediate health, safety or welfare of inhabitants;

## Community Standards By-Law

- (c) any normal farm practice, as determined pursuant to the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1;
- (d) *construction activities* that are governed by the *Aggregate Resources Act*, R.S.O. 1990, c. A.8; or
- (e) activities that are prescribed by section 2 of Ontario Regulation 1/17 filed under the *Environmental Protection Act*.

### 5.5 If a corporation:

- (a) is convicted of an offence under this section 5; or
- (b) receives two or more *penalty notices* in any consecutive 24-month period under this section 5 that are not cancelled pursuant to the *Administrative Penalty By-Law*,

the *Director* may publish, cause to be published, or otherwise make available to the general public the name of the corporation, a description of the offence or *penalty notice*, the date of the conviction or *penalty notice* and the corporation's sentence or the amount of the *administrative penalty*. The authority to publish under this subsection 5.5 includes authority to publish on the Internet, including on a website or in a report to *Council*.

## 6 Idling

6.1 No *person* will cause or permit a *vehicle* or *boat* to *idle* for more than one minute in a 60-minute period.

6.2 Subsection 6.1 does not apply to the following:

- (a) police, fire, ambulance or *provincial offences officer vehicles* or police or fire *boats* engaged in their ordinary duties, but not where idling is substantially for the convenience of one or more of the operator of or a passenger in the *vehicle* or *boat*;
- (b) *Kingston Transit vehicles*;
- (c) *vehicles* or *boats* assisting in an emergency activity;
- (d) a *vehicle with power take-off* while it is in the course of being performed for its basic function;

## Community Standards By-Law

- (e) ferry *boats* operated by the Province of Ontario or the County of Frontenac;
- (f) armoured *vehicles* where a *person* remains inside the *vehicle* while guarding the contents of the *vehicle* or while the *vehicle* is being loaded or unloaded;
- (g) *vehicles* or *boats* engaged in the course of a parade or race or any other event authorized by the *City*;
- (h) *vehicles* that are operating on the travelled portion of a *drive-thru* lane;
- (i) *vehicles* or *boats* that remain motionless because of an emergency over which the driver has no control, or because of mechanical difficulties over which the driver has no control;
- (j) *vehicles* or *boats* where idling is required to repair or prepare the *vehicle* or *boat* for service; or
- (k) *agricultural equipment* while being operated on *agricultural property*;
- (l) *buses*, but only when passengers are embarking or disembarking; or
- (m) occupied *vehicles* where the ambient outside temperature is more than 27 degrees Celsius or less than five degrees Celsius, as measured by Environment Canada readings.

6.3 Despite subsection 6.1, no *person* will cause or permit a *tour boat* to idle for more than five minutes in a 60-minute period.

6.4 Where a *vehicle* has been left stopped in contravention of this by-law, the owner of the *vehicle*, even though the owner was not the driver of the *vehicle* at the time of the contravention of the by-law, is guilty of an offence and liable to a fine in accordance with the provisions of the *Provincial Offences Act*, unless at the time of the offence the *vehicle* was in the possession of some *person* other than the owner without the owner's consent.

## 7 Feeding of Wildlife

7.1 No *person* will feed or permit the feeding of *wildlife*, or leave *food* that is accessible by *wildlife*.

## Community Standards By-Law

7.2 Subsection 7.1 does not apply to the following:

- (a) *agricultural property*;
- (b) a *person* leaving *food* for a feral cat colony for the purposes of a trap, neuter or spay and release program;
- (c) a *person* leaving *food* as bait to trap vermin or rodents;
- (d) an officer, licensed trapper, authorized *wildlife* rehabilitator or employee of a licensed pest management operator or exterminator leaving *food* as bait to catch *wildlife* as part of their professional duties;
- (e) a *person* feeding *wildlife* as part of a research program undertaken by a university, college, government research body or *wildlife* research institution;
- (f) a *person* fishing or hunting in accordance with a valid provincial licence and in compliance with any prescribed regulations;
- (g) a *person* participating in a cultural or spiritual practice outdoors, provided the *person* cleans all *food* from the outdoor location at the conclusion of the practice;
- (h) a *person* feeding birds by hand at a designated feeding area provided by the *City*, the Province of Ontario, the Government of Canada, or any conservation authority; or
- (i) a *person* feeding birds from a bird feeding device as follows:
  - (i) the bird feeding device is located on private property, and the *owner* has given permission for the installation and use of the bird feeding device; and
  - (ii) the bird feeding device is kept in sanitary condition and in good working order to prevent spillage of the *food*.

For purposes of subsection (h) and (i), a bird does not include waterfowl that are *wildlife*.

## 8 Textile Collection Sites & Flyers

8.1 No *person* will disturb any goods located at a *textile collection site*.

## Community Standards By-Law

- 8.2 No *person* will leave donated goods at a *textile collection site* except within a designated receptacle or bin.
- 8.3 No *person* will deposit a *flyer* at or on a *premises* where a sign or notice has been posted, and which is visible at the entrance of the *premises*, indicating that *flyers* are not wanted, provided that this subsection does not apply to:
- (a) any elections advertising material which is permitted to be transmitted or delivered pursuant to any applicable federal, provincial or municipal legislation;
  - (b) newspapers containing news, occurrences, pictures or illustrations, which are printed and published periodically;
  - (c) community association newsletters or newspapers; or
  - (d) information circulars produced by a federal, provincial or municipal government or an agency of such government.

## 9 Safe Use of Public Places

- 9.1 No *person* will engage in or permit conduct in a *public place* that is likely to disturb or interfere with the reasonable enjoyment of another *person* in a *public place* by:
- (a) causing a public disturbance, including by using abusive or threatening language; or
  - (b) communicating with a *person* in a manner that could reasonably cause offence or intimidation including any conduct, comment, or action that refers to the *person's* race, religious beliefs, colour, disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression, or sexual orientation.
- 9.2 No *person* will urinate or defecate in a *public place*, except in a facility designed and intended for such use.

## Community Standards By-Law

- 9.3 No *person* will participate in a *fight* or similar physical confrontation in any *public place*, provided that this subsection 9.3 does not apply to participants in a sanctioned organized sporting event who are governed by the rules of conduct of that sporting event.
- 9.4 No *person* will *loiter* on a *highway*, including a sidewalk, in a manner that impedes the free movement of pedestrians on the *highway* or the access to or use of any *premises*, or that poses a danger to the safety of other *persons* using the *highway*.
- 9.5 No *person* will *loiter* in any *public place* washroom or change-room.
- 9.6 No *person* will engage in lewd sexual activity, including masturbation, in a *public place*.
- 9.7 No *person* will use or display *drug paraphernalia* in a *park* or in any *public place* that is within 15 metres of a *park*.
- 9.8 No *person* will engage in or permit the *unsafe disposal* of needles or syringes in a *public place*.
- 9.9 No *person* who is transporting earth, sand, stone or other material in a *vehicle* will load or drive the *vehicle* in a manner that causes or permits the material to be deposited on a *highway*.
- 9.10 No *person* will drive a *vehicle* on a *highway* unless the *person* has removed, as completely as is reasonably possible, all mud, clay, oil, sand, stone or other material from the wheels of the *vehicle* that is likely to:
- (a) cause an obstruction or dangerous condition on the *highway*; or
  - (b) damage the surface of the *highway*.
- 9.11 No *person* will move a *vehicle* that is equipped with metal cleats, including cleats with rubber inserts or pads, flanges or tracks on its wheels or roller onto or along the *highway* unless:
- (a) the *vehicle* is being carried on a float or trailer; or
  - (b) a preventative pad is laid across the portion of the *highway* to be crossed; or
  - (c) the *City's* Director of Engineering Services, or their designate, has otherwise approved the movement of the *vehicle*.



## Community Standards By-Law

- 9.12 No *person* will jump, dive or otherwise propel themselves from any *bridge*.

### **10 Retail Establishment Shopping Cart Standards**

- 10.1 Every *retail establishment* will take reasonable measures to prevent *shopping carts* from being removed from the business *premises*. Reasonable measures might include cart corrals with built in coin chains, signage, security gates, or any other services or measures designed to deter theft.
- 10.2 Every *retail establishment* will have a written *shopping cart* retrieval program in place to retrieve abandoned *shopping carts* and respond to complaints from the public in a reasonable timeframe, subject to safety considerations.
- 10.3 Every *retail establishment* will ensure that its *shopping carts* are locked or otherwise secured when the *retail establishment* is not open for business.
- 10.4 Every *retail establishment* will post removal warning signage at all entrances to the *retail establishment* containing a statement to the effect that the unauthorized removal of a *shopping cart* from a *retail establishment* is a criminal offence.

### **11 Damage to City Property**

- 11.1 No *person* will vandalize *City property* by removing, destroying, damaging, tampering with, mutilating, or altering the appearance of any *City property*, including any characteristic or feature thereof.

### **12 Enforcement**

- 12.1 This by-law may be enforced by a *provincial offences officer* or other authorized employee or agent of the *City*.
- 12.2 No *person* will obstruct or hinder or attempt to obstruct or hinder the *Director*, a *provincial offences officer* or other authorized employee or agent of the *City* in the exercise of a power or the performance of a duty under this by-law.
- 12.3 The *Director* and every *provincial offences officer* may, subject to and in accordance with the provisions of the *Municipal Act, 2001*, enter on land to conduct an inspection to determine whether the provisions of this by-law are being complied with.

## *Community Standards By-Law*

- 12.4 For the purposes of conducting an inspection of land pursuant to subsection 12.3, the *Director* or a *provincial offences officer* may:
- (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information from any *person* concerning a matter related to the inspection; and
  - (d) alone or in conjunction with an individual possessing special or expert knowledge, make examinations or take tests or photographs necessary for the purposes of the inspection.
- 12.5 For clarity, a *person* exercising a power of entry on behalf of the *City* pursuant to subsection 12.4 shall not enter or remain in any room or place actually being used as a dwelling, except as otherwise permitted under the *Municipal Act, 2001*.

## **13 Offences & Administrative Penalties**

- 13.1 Every *person* is guilty of an offence as provided for in the *Provincial Offences Act* if the *person*:
- (a) contravenes any provision of this by-law;
  - (b) hinders, obstructs or interferes with the *Director* or a *provincial offences officer* in the exercise of the *Director's* or the *provincial offences officer's* powers and duties; or
  - (c) hinders, obstructs or interferes with a *person* authorized by the *Director* to do an act in the exercise of that *person's* authority to do the act.
- 13.2 Every officer or director of a corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence as provided for in the *Provincial Offences Act*.
- 13.3 Every *person* who fails to comply with any provision of this by-law will, upon issuance of a *penalty notice*, be required to pay an *administrative penalty*, and the *Administrative Penalty By-Law* applies to each *administrative penalty* imposed pursuant to this by-law.

## Community Standards By-Law

- 13.4 If a *person* is required to pay an *administrative penalty* under subsection 13.3 in respect of a contravention of this by-law, the *person* will not be charged with an offence in respect of the same contravention.
- 13.5 Every *person* who is convicted of an offence under this by-law is liable to a minimum fine of \$500 and to a maximum fine of \$100,000 pursuant to subsections 429 (1) and (3) of the *Municipal Act, 2001*.
- 13.6 A *person* who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000 as provided for in section 429 of the *Municipal Act, 2001*.
- 13.7 When a *person* has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any other penalty imposed on the *person* convicted, make an order:
- (a) prohibiting the continuation or repetition of the offence by the *person* convicted; and
  - (b) requiring the *person* convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 13.8 The *City* may collect unpaid fines for a contravention of this by-law in accordance with the following:
- (a) the *treasurer* may give notice that if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment under section 66 or 66.0.1 of the *Provincial Offences Act*, the *treasurer* may give the *person* against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which must be not less than 21 days after the date of the notice;
  - (b) if the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

## 14 Work Orders & Remedial Action

- 14.1 If the *Director* is satisfied that a contravention of this by-law has occurred, the *Director* may make an order requiring the *person* who contravened this by-law,

## *Community Standards By-Law*

or who caused or permitted the contravention, or the *owner* of the land on which the contravention occurred, to do work to correct the contravention.

14.2 An order under subsection 14.1 will set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- (b) the work to be done and the date by which the work must be done.

14.3 Any *person* who contravenes an order under subsection 14.1 is guilty of an offence.

14.4 Where a *person* is in default of the requirement to do any matter or thing under this by-law, the *City* may do the matter or thing at the *person's* expense.

14.5 For the purposes of subsection 14.4, the *City* may enter upon land at any reasonable time.

14.6 The *City* may recover the costs of doing a matter or thing under subsection 14.4 from the *person* directed or required to do it by action or by adding the costs to the tax roll, together with interest calculated at a rate of 15%, calculated for the period commencing on the day the *City* incurs the costs and ending on the day the costs, including the interest, are paid in full.

## **15 General**

15.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of *Council* in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

15.2 By-Law 2008-95, "A By-Law of The Corporation of the City of Kingston to Control the Idling of Vehicles and Boats", is repealed in its entirety as of the date that this by-law comes into force.

15.3 This by-law will come into force and take effect on May 1, 2024.