



**City of Kingston
Information Report to Council
Report Number 17-302**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: November 7, 2017
Subject: Nuisance Party By-Law

Executive Summary:

The purpose of this Information Report is to provide an overview of the concept of a Nuisance Party By-Law as a local enforcement tool, to identify best practices from other Ontario municipalities, and to outline next steps for the development and implementation of the by-law in Kingston.

In Ontario, a number of municipalities have enacted nuisance party by-laws to provide Police and By-Law Enforcement with the ability, under one City-wide by-law, to address the negative impacts on neighbourhoods of behaviours associated with large social gatherings. By exercising the authority provided under a nuisance party by-law, an Order can be issued by Police for a large social gathering/party to cease, and for the dispersal of people not residing at a residence where the social gathering is occurring. By-laws of this nature have been demonstrated to serve as an additional tool for local enforcement, bridging the gap between existing by-laws and charges under the Criminal Code. The regulatory purpose of this concept is to create a duty upon those hosting a social event or party to control the participants, and to give law enforcement personnel a mechanism to control and disperse people where the event has become a public nuisance.

Nuisance party by-laws can therefore provide additional enforcement options beyond those available under existing by-laws and statutes. The intended scope of any nuisance party by-law proposed for the City of Kingston will be limited to addressing behaviour specific to the context of large social gatherings/parties, rather than a catch-all by-law attempting to curtail all public nuisance behaviour.

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Staff will conduct public consultation, starting later this month, on the content of a nuisance party by-law, and will report back to the Administrative Policies Committee with a draft by-law prepared for consideration early in the new year.

Recommendation:

This report is for information purposes only.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Desirée Kennedy, Chief Financial Officer & City Treasurer Not required

Denis Leger, Commissioner, Corporate & Emergency Services

Mark Van Buren, Acting Commissioner, Transportation & Infrastructure Services

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Options/Discussion:**Background**

In 2009, Kingston City Council directed staff to prepare a Public Nuisance By-Law. A draft was submitted to the Administrative Policies Committee and subsequently to City Council. The draft by-law could be described as minimalist in its scope. The consensus was that many of the nuisance behaviours such as noise (yelling, shouting, etc.), tampering with garbage and recycling, and littering were already regulated in other City by-laws. Some of those behaviours were repeated in the draft by-law along with behaviours that no City of Kingston by-law regulated, including spitting, urinating and defecating in public. On Sept. 21, 2010, Council considered the draft by-law and voted “that no action be taken to proceed with the Public Nuisance By-Law”. No further action as it relates to a Public Nuisance By-Law has been taken since that time.

Kingston has experienced large gatherings/parties on premises throughout the city. Some of these gatherings/parties have involved nuisance behaviours of persons present including the excessive consumption of alcohol, very high noise levels, the overcrowding of premises and congregation of large numbers of persons on public property resulting in the blockage of pedestrian and vehicular traffic, and violations of federal and provincial statutes and municipal by-laws. These parties have the potential to create a substantial risk to the health and safety of participants and to neighbourhoods and have constituted a persistent disruption.

The ongoing concerns expressed by residents across the city regarding the impacts nuisance behaviours associated with large gatherings continue to have on their neighbourhoods has prompted staff to assess what additional regulatory tools may be available to assist Kingston Police and City By-Law Enforcement to more effectively control and attempt to deter such activities. To that end, staff have conducted an inventory of existing regulatory mechanisms and reviewed best practices used in other Ontario municipalities experiencing similar challenges.

Existing Regulatory Mechanisms

A nuisance party by-law could potentially provide additional enforcement options to Kingston Police Officers and City By-Law Enforcement Officers beyond those available under existing by-laws and statutes. Criminal charges (i.e. causing a disturbance and unlawful assembly), charges under provincial statutes (i.e. *Liquor Licence Act*, *Trespass to Property Act*, *Highway Traffic Act*) and by-law charges for noise, littering and parking could continue to be enforced where Police or By-Law Enforcement Officers deem it appropriate to do so. The City’s Noise By-Law, for example, would continue to apply and be enforced as it has been in the past.

A nuisance party by-law would not be interpreted as exempting any person from the requirement to comply with any other City by-law. In the event of conflict between the provisions of a nuisance party by-law and any other City by-law, the provisions which are more protective of the public assets of the city, the economic, social and environmental well-being of the city, the health, safety and well-being of persons in the city, and of property in the city, would apply.

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Nuisance Party By-Laws in Practice

Nuisance party by-laws have been demonstrated to provide Police and By-Law Enforcement with the ability, under one City by-law, to address the negative impacts on neighbourhoods of behaviours associated with larger social gatherings at residences and in public spaces. This is often carried out through the exercising of authority given to Police under the by-law to declare a large social gathering to constitute a “Nuisance Party” and to subsequently order that the behaviour (Nuisance Party) cease and that the persons not residing at a residence where the social gathering is occurring disperse. Persons who fail to comply with an Order made under this authority would risk being charged under the by-law. The regulatory purpose of a nuisance party-focused by-law is to create a duty upon those hosting a social event or party to control the participants and gives law enforcement personnel a mechanism to control and disperse people where the event has become a public nuisance but that may not have reached the standard of an unlawful assembly under the Criminal Code.

The intended scope of any Nuisance Party By-Law proposed for the City of Kingston will be limited to addressing behaviour specific to the context of large social gatherings, rather than a catch-all by-law attempting to curtail all public nuisance behaviour. This would therefore only include situations where the Kingston Police are in attendance and, under the authority granted exclusively to Police under the by-law, make a determination based on the circumstances that the gathering warrants being declared a “Nuisance Party”.

Public Nuisance By-Laws with a Nuisance Party definition can serve to regulate activities such as:

- Public intoxication;
- The unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- The unauthorized deposit of refuse on public or private property;
- Damage to public or private property;
- The obstruction of vehicular or pedestrian traffic, or interference with the ability to provide emergency services;
- Sound that is unusual or excessive, or that is unwanted by or disturbing to persons;
- Unauthorized open burning or the display of unauthorized fireworks;
- Public fights;
- Outdoor public urination or defecation; and
- Use of or entry upon a roof not intended for such occupancy.

Nuisance party by-laws apply to parties that occur in any public place, and on private property, including any yard appurtenant to a building or dwelling or vacant lands. Such by-laws generally do not apply to parties contained wholly within buildings or dwellings.

Any person who creates, causes, hosts, sponsors, conducts, continues, or attends a nuisance party could be charged under a nuisance party by-law. Further, any person who, individually or jointly with others, is an owner, occupant, tenant, or who otherwise has rightful possession of a premises, who permits a nuisance party could be held responsible through this type of by-law. A

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nuisance party by-law could also provide an enforcement mechanism for “brewfing” (the consumption of alcohol by persons on rooftops), as it is considered to be a “nuisance behaviour”. In some cases (i.e. London and St. Catharines), the Nuisance Party By-Law has a clause specifically addressing this activity.

In practise, nuisance party by-laws are intended to be used with discretion. For example, the enforcement process may involve affording a time buffer to allow for compliance before the issuance of a ticket. Another example could be holding responsible an absentee landlord after a failure to address repeated nuisance behaviour on the part of their tenants.

Survey of Ontario Municipalities

City staff consulted with Enforcement Managers from the cities of London, Guelph and Oshawa regarding their respective nuisance party and Public Nuisance By-Laws. Each was supportive of their respective by-law and felt it was serving its intended purpose. Nuisance Party By-Laws from the cities of London and Guelph are attached as Exhibit A to this report.

City of London

In 2006, the City of London passed a general Public Nuisance By-Law. This did not include “nuisance party” provisions. In 2012, the Public Nuisance By-Law was amended by Council to incorporate Nuisance Party provisions, including:

- A comprehensive definition of a “nuisance party”;
- The authority to “order” all persons at a nuisance party who do not reside there to leave;
- The authority to restrict any person (including but not limited to a tenant or landlord) from sponsoring, conducting, continuing, hosting, creating, allowing, causing, permitting or attending a “nuisance party”;
- The authority to close a highway, and once closed, the authority to restrict the common law right of passage by any persons to that highway and the common law right of access to those whose residence abuts the highway.

The definition of Nuisance Party was further expanded in 2017 to include a clause addressing the consumption of alcohol by persons on rooftops, a practice commonly known as “brewfing”.

City of Guelph

Modelled after the City of London’s Public Nuisance By-Law, the City of Guelph passed a Nuisance Party By-Law in 2013 which additionally contains:

- The authority, in addition to charging a person, to impose a fee upon any person involved in a nuisance party, including the owner of the property, to cover any of the administrative and enforcement costs incurred by the City in responding to and addressing the nuisance party. Imposed fees that remain unpaid can be added to the property owner’s taxes;
- An “interpretation” section outlining how the by-law is to function in relation to other City by-laws; and
- A narrower focus on addressing “nuisance parties”.

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City of Oshawa

The City of Oshawa passed a Public Nuisance By-Law in 2009, containing:

- A broader catch-all approach targeting a wide range of nuisance behaviours, with a prohibitive scope greater than “nuisance parties”; and
- A prohibition on “soliciting” in the context of asking for money from persons in public locations (taken directly from the provincial *Safe Streets Act*).

City of Peterborough

The City of Peterborough passed a Public Nuisance By-Law in 2015, containing prohibitions on a range of anti-social behaviours in public spaces, or on private property within view from public property, without specific focus on “nuisance parties”.

City of St. Catharines

The City of St. Catharines passed a Public Nuisance By-Law in April 2017, which uses London’s Public Nuisance By-Law verbatim, originally initiated to address “brewfing” (rooftop drinking).

The set fines associated with public nuisance and nuisance party by-laws in other Ontario municipalities range from \$250 to \$750. A high fine is seen as necessary to achieving general deterrence wherein persons who are aware of the financial consequences of committing this behaviour are more likely to be dissuaded from doing so. For those who do commit nuisance behaviours, a high fine is intended to act as a specific deterrent to repeating such behaviour.

Municipality	Set Fine Amount
City of London (Nuisance Party-Focused)	\$750
City of Guelph (Nuisance Party-Focused)	\$750
City of Oshawa (General Nuisance By-Law)	\$250
City of Peterborough (General Nuisance By-Law)	\$300
City of St. Catharines (Nuisance Party-Focused)	\$300

Next Steps

Staff will conduct public consultation, starting later this month, on the content of a Nuisance Party By-Law, and will report back to the Administrative Policies Committee with a draft by-law prepared for consideration early in the new year.

Existing Policy/By-Law:

The City of Kingston does not currently have a public nuisance or a nuisance party by-law. Many behaviours that could be characterized as public nuisances are regulated in existing City by-laws.

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Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

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Other City of Kingston Staff Consulted:

Sarah Gareau, Associate Legal Counsel, Legal Services

Exhibits Attached:

Exhibit A Nuisance Party By-Laws - London and Guelph

Public Nuisance By-law

PH-18 Consolidated as of March 2, 2017

As Amended by

By-law No.	Date Passed at Council
PH-18	May 22, 2012
PH-18-17001	March 2, 2017

**This by-law is printed under and by authority
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OFFICE CONSOLIDATION INCLUDING AMENDMENT PH-18-17001 (March 2, 2017)

Bill No. 228
2012

By-law No. PH-18

A By-law to prohibit and regulate public nuisances within the City of London.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“the *Municipal Act, 2001*”) provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 8 of the *Municipal Act, 2001* provides that the powers of a Municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 10 of the *Municipal Act, 2001* provides that a Municipality may pass by-laws respecting: Economic, social and environmental well-being of the Municipality; Health, safety and well-being of persons; Protection of persons and property; Structures, including fences and signs;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10, a local 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, and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS, in the opinion of Council, nuisance parties, public urination and defecation, and knocking over objects on the Highway are or could become or cause public nuisances;

AND WHEREAS section 425 of the *Municipal Act, 2001* establishes that any person who contravenes any by-law of the Municipality is guilty of an offence;

AND WHEREAS section 435 of the *Municipal Act, 2001* and By-law A-30 provide for the exercise of powers of entry by municipal law enforcement officers and police officers;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. DEFINITIONS

In this By-law,

“**Building**” means any permanent structure consisting of a roof supported by walls or columns that is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment;

“**Chief of Police**” means the Chief of Police of the London Police Service, or designate;

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

“**Dwelling**” means a Building containing one or more dwelling units;

“**Highway**” includes a common and public highway, highway, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons, and includes the area between the lateral property lines thereof, including sidewalks and boulevards, and Highways shall have a corresponding meaning;

“Municipality” means the land within the geographic limit of the City of London;

“Nuisance Party” means a social gathering on Premises within the Municipality and which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring so as to constitute a public nuisance whether occurring on neighbouring public or private property:

- (a) disorderly conduct;
- (b) public drunkenness or public intoxication;
- (c) the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- (d) the deposit of refuse on public or private property;
- (e) damage to or destruction of public or private property;
- (f) pedestrian traffic, vehicular traffic, or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
- (g) unreasonable noise, including loud music or shouting;
- (h) unlawful open burning or fireworks;
- (i) public disturbances, including public brawls or public fights;
- (j) outdoor public urination or defecation;
- (k) use of or entry upon a roof not intended for such occupancy;

“Premises” means any public or private place in the Municipality, including but not limited to Highways, parks, parking lots, yards appurtenant to a Building or Dwelling or vacant lands, but does not mean a Building or Dwelling.

2. PUBLIC URINATION / PUBLIC DEFECATION

2(1) In Section 2 only, “Public Place” is defined as:

“Public Place” includes a Highway, public park, parking lot or other lands to which the public has access as of right or by invitation and includes private property that is exposed to public view, but does not include an enclosed washroom facility.

2(2) No person shall urinate or defecate in a Public Place.

3. MAILBOXES ETC. ON HIGHWAY

No person shall knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, Blue Box, or garbage container, lawfully located on a Highway. This section shall not apply to City employees, or any person under contract with the City, acting under the City’s Waste Management By-law.

4. NUISANCE PARTIES

4(1) No person shall sponsor, conduct, continue, host, create, attend, allow, cause or permit a Nuisance Party.

4(2) No person who, individually or jointly with others, is an owner, occupant, tenant, or who otherwise has rightful possession of or possessory control of any Premises, shall allow, cause or permit a Nuisance Party on said Premises under their possession or control.

5. ORDER TO DISCONTINUE ACTIVITY

5(1) Upon the order of the Chief of Police or his or her designate or the City’s Manager of Licensing and Municipal Law Enforcement Services or his or her designate, a Nuisance Party shall cease and all persons not residing on the Premises shall leave the Premises where it is occurring.

5(2) An order under this section shall identify:

- (a) the location of the land on which the contravention occurred;
- (b) the reasonable particulars of the contravention of the By-law; and
- (c) the date and time by which there must be compliance with the order.

5(3) An order under this section may be given verbally or may be served personally on the person to whom it is directed. If the order is given by regular mail to the last known address of that person, and if given by registered mail, it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

5(4) No person shall fail to leave the Premises after having been directed to leave the Premises by an order to discontinue activity under this By-law.

6. CLOSE PUBLIC HIGHWAY

6(1) The Chief of Police, a London Police Service police officer, or a municipal law enforcement officer may temporarily close any Highway or portion thereof to public travel under this By-law where a Nuisance Party is occurring on or adjacent to the Highway by placing a notice on the Highway to be closed in accordance with the *Municipal Act, 2001*.

6(2) Where a Highway or portion of a Highway has been closed under this By-law, the common law right of passage by the public over the Highway and the common law right of access to the Highway by an owner of land abutting the Highway are restricted, as directed by the Chief of Police, a London Police Service

police officer, or a municipal law enforcement officer.

6(3) No person shall use a Highway, or portion of a Highway that has been closed under this By-law except with lawful authority or in accordance with the direction of the Chief of Police or other officer pursuant to this section.

6(4) No person shall, without lawful authority, remove or deface any barricade, device, detour sign or notice placed on a Highway pursuant to this By-law.

7. ENFORCEMENT AND INSPECTION

7(1) The provisions of this By-law may be enforced by a municipal law enforcement officer, London Police Service police officer, or other individual duly appointed for the purpose of enforcing this By-law.

7(2) Every municipal law enforcement officer and London Police Service police officer may carry out an inspection to determine whether the provisions of this Bylaw are being complied with in accordance with the City's Inspections By-law and shall have the right to enter lands pursuant to the provisions of the Inspections By-law and the *Municipal Act, 2001*.

8. PENALTY

Every person who contravenes any provision of this By-law is guilty of an offence, and on conviction is liable to:

- (a) a maximum fine of \$10,000; and
- (b) for convictions under subsections 4(1), 4(2), or 5(4), a minimum fine of \$500.

9. SEVERABILITY

If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

10. CONTINUATION - REPETITION - PROHIBITED - BY ORDER

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

11. SHORT TITLE OF BY-LAW

This By-law may be referred to as the "Public Nuisance By-law".

12. REPEAL

By-law PH-13 is hereby repealed.

13. FORCE AND EFFECT

This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council on May 22, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - May 22, 2012
Second Reading - May 22, 2012
Third Reading - May 22, 2012

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2013) - 19557

A By-law Regulating Nuisance Parties within
the City of Guelph.

WHEREAS Section 10(2) of the *Municipal Act* permits a municipality to pass by-laws respecting the public assets of the municipality, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS Section 128 of the *Municipal Act* permits a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS the purposes of this by-law include managing the public assets of the City, protecting the economic, social and environmental well-being of the City, supporting the health, safety and well-being of persons in the City, protecting persons and property in the City and prohibiting and regulating with respect to public nuisances in the City;

AND WHEREAS the City wishes to ensure that the use of lands within the City has a minimal adverse impact on the quiet enjoyment of surrounding lands;

AND WHEREAS, in the opinion of Council, the matters addressed in this by-law are, or could become or cause, public nuisances;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY
OF GUELPH ENACTS AS FOLLOWS:**

DEFINITIONS

1. In this by-law:

“**Chief of Police**” means the Chief of Police of the Guelph Police Service, or his/her designate;

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

“**City Land**” means land owned or operated by the City, and, without limiting the generality of the foregoing, includes every highway, park and public square owned or operated by the City, and includes any buildings, structures and equipment located thereon;

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

“**Executive Director**” includes the individual holding the position of Executive Director of Operations, Transit and Emergency Services of the City, or the individual holding the position of the Executive Director of Community and Social Services of the City, or any individual holding any successor position with responsibility for similar matters, and any other employee of the City acting under the direction of either of the foregoing for the purposes of this by-law;

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

“**Nuisance Party**” means a gathering on Premises which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring:

- (a) Public disorderly conduct;

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- (b) Public drunkenness or public intoxication;
- (c) The unlawful sale, furnishing or distribution of alcoholic beverages or controlled or illegal substances;
- (d) The deposit of refuse on public or private property;
- (e) Damage to or destruction of public or private property;
- (f) Pedestrian traffic, vehicular traffic or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
- (g) Unreasonable noise, including loud music or shouting, that is of such a volume or nature that it is likely to disturb the inhabitants of the City;
- (h) Unlawful open burning or fireworks;
- (i) Public disturbance, including a public brawl or violence; or
- (j) Outdoor public urination or defecation;

“**Officer**” means a Police Officer or any by-law enforcement officer of the City; and

“**Premises**” means any place in the City, including, but not limited to, City Land.

INTERPRETATION

2. This by-law shall not be interpreted as exempting any person from the requirement to comply with any other City by-law. In the event of conflict between the provisions of this by-law and any other City by-law, the provisions which are more protective of the public assets of the City, the economic, social and environmental well-being of the City, the health, safety and well-being of persons in the City, and persons and property in the City, shall apply.
3. This by-law is to be construed with all changes in number and gender as may be required by the context.
4. Any reference herein to any by-law or act of any government shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto then in force.
5. If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this by-law that the remainder of the by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

REGULATION OF NUISANCE PARTIES

6. (1) No person shall sponsor, conduct, continue, host, create, cause, permit or attend a Nuisance Party.
 (2) No person who, individually or jointly with others, is an owner, occupant, tenant or who otherwise has rightful possession of or is in possessory control of any Premises, shall cause or permit a Nuisance Party on said Premises.
 (3) Upon the order of the Chief of Police or the Executive Director, every person who is sponsoring, conducting, continuing, hosting, creating, causing, permitting or attending a Nuisance Party on specified Premises shall cease such sponsoring, conducting,

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continuing, hosting, creating, causing, permitting or attending of such Nuisance Party, and every person not residing on such Premises shall leave such Premises.

(4) An order under this section shall identify:

- (a) The location of the Premises on which the contravention is occurring;
- (b) The reasonable particulars of the contravention of this by-law; and
- (c) The date and time by which there must be compliance with the order.

(5) An order under this section may be given orally or may be served personally on the person to whom it is directed.

(6) No person shall fail to leave Premises after having been directed to leave by an order pursuant to this section.

(7) An Officer may temporarily close any highway or portion thereof to public travel where a Nuisance Party is occurring on or adjacent to the highway.

(8) Where a highway or portion of a highway has been temporarily closed under this by-law, the common law right of passage by the public and the common law right of access by an owner of land abutting the highway or portion of the highway are restricted, as directed by an Officer.

(9) No person shall use a highway or portion of a highway that has been temporarily closed under this by-law except with lawful authority or in accordance with the direction of an Officer.

7. (1) The City may impose a fee or charge upon any person sponsoring, conducting, continuing, hosting, creating, causing or permitting a Nuisance Party and/or the owner of Premises where the Nuisance Party is held who causes or permits the Nuisance Party.
- (2) The amount of the said fee or charge shall be the amount of administrative costs, costs of enforcement and all other costs incurred by the City in responding to and addressing the Nuisance Party pursuant to this by-law.
- (3) Fees or charges imposed on a person pursuant to this by-law constitute a debt of the person to the City.
- (4) Where all the owners of certain Premises are responsible for paying certain fees and charges pursuant to this by-law, the City may add such fees and charges to the tax roll for the Premises and collect them in the same manner as municipal taxes.

ENFORCEMENT

8. Council hereby authorizes all Officers to enforce this by-law.
9. Each Officer is hereby authorized to inform any person of the provisions of this by-law and to request compliance therewith.
10. No person shall wilfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, rights, functions, powers or authority under this by-law.
11. Where an Officer has reasonable grounds to believe that an offence under this by-law has been committed by a person, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.
12. (1) Every person who contravenes or who causes or permits a contravention of any provision of this by-law is guilty of an offence.

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- (2) Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this by-law by the corporation is guilty of an offence.
13. (1) A person, other than a corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than \$10,000 and, on any subsequent conviction, to a fine of not more than \$25,000.
(2) A corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than \$50,000 and, on any subsequent conviction, to a fine of not more than \$100,000.
14. Upon conviction for an offence under this by-law, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

GENERAL

15. The short title of this by-law is the “Nuisance Party By-law”.
16. This by-law shall come into force and take effect on the date this by-law is passed.

PASSED this TWENTY-NINTH day of APRIL, 2013.

Original Signed by:

KAREN FARBRIDGE – MAYOR

Original Signed by:

BLAIR LABELLE – CITY CLERK