

ATTACHMENT B TO PUBLIC NUISANCE BYLAW REPORT #OT031303

DEFINITIONS

Section 1.

Original wording:

“Aircraft” includes any fixed wing aircraft, helicopter, hot air balloon, hang glider or ultra-light aircraft;

PUBLIC COMMENTS

Secondly, I must admit that I do not understand why there is a regulation regarding landing or launching an aircraft, I've been in Guelph for almost 50 years and have never seen nor heard of a plane taking off or landing in Guelph, so I do not see why this is being introduced.

STAFF COMMENTS

Issues have arisen in the past with hot air balloons.
Section was kept and modified to address smaller radio controlled aircraft that may cause public safety issues.

Proposed wording

“Aircraft” includes any fixed wing aircraft, helicopter, hot air balloon, hang glider or ultra-light aircraft including those directly or remotely controlled;

DEFINITIONS

Section 1.

Original wording

“Dangerous Animal” means any animal which constitutes or may constitute a danger to any person on City Land, which is likely to give rise to a justified apprehension of danger in the mind of a person on City Land or which is likely to interfere with the use or enjoyment of City Land by a person;

PUBLIC COMMENTS

Under Interpretation "Dangerous Animal" does there need to be mention of the exception of animals in the employ of the City (canine unit and mounted officers if the city at any point should employ such animals)?

STAFF COMMENTS

Dogs within the Guelph Police canine unit are not considered dangerous animals, further there are exemptions for police, City staff and agents carrying out their duties.

Proposed wording (No change):

“Dangerous Animal” means any animal which constitutes or may constitute a danger to any person on City Land, which is likely to give rise to a justified apprehension of danger in the mind of a person on City Land or which is likely to interfere with the use or enjoyment of City Land by a person

DEFINITIONS

Section 1.

Original wording

“Executive Director” includes the Executive Director of Operations, Transit and Emergency Services of the City, the Executive Director of Community and Social Services of the City and any other employee of the City acting under the direction of either of the foregoing for the purposes of this by-law;

PUBLIC COMMENTS

In addition to the concerns with content, we also foresee issues with the administration of the proposed bylaw. For example S. 10(a) of the bylaw reads that: "In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion, considering the purposes of this bylaw and the best interests of the City, is authorized to: (a) Issue or refuse to issue permits permitting activities that would otherwise be prohibited or restricted by this bylaw".

STAFF COMMENTS

Recommend change to the definition of Executive Director to better define the position
Permits would be issued and revoked as per the City’s existing Special Event Policy

Proposed wording:

“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;

DEFINITIONS

Section 1.

Original wording

“Fight” means a confrontation involving violent physical conduct between two or more people;

PUBLIC COMMENTS

On full consideration I do not even find this 'participate in a fight' part reasonable. If the process of a fight results in an assault charge or charges and through in a fair judicial process ends with a penalty for the assailant(s), than I support that outcome. If someone inadvertently finds him or herself in a fight will that person be automatically fined and be forced to navigate a lengthy rebate on that fine?

On City owned property will the expectation be that bylaw be the primary / priority responder?

STAFF COMMENTS

Update definition, as per the Criminal code of Canada – better defined – more effective way to deal with this (sections 8-c)

Enforcement of this section will be completed by GPS

Also provides options for the issuance of non-Criminal code charges

Proposed wording:

“Fight” means any one or more of the following:

- (a) An application of force to another person;**
- (b) A threat, by act or gesture, to apply force to another person;**
- (c) Spitting, punching, kicking, or slapping at another person; or**
- (d) A threat, by act or gesture, to spit, punch, kick, or slap at another person.**

DEFINITIONS

Section 1.

Original wording

“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:

PUBLIC COMMENTS

The fact that this gives municipalities the power to prohibit and regulate "public nuisances" without providing a useful definition of a "public nuisance" is troubling in itself. I have attended two public discussions about the draft bylaw. I have severe reservations about the draft as it currently exists.

STAFF COMMENTS

The definition of "Nuisance Party" in the by-law is limited to cases where there is unreasonable interference with the innocent public or property.

Proposed wording (No Change):

“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:

DEFINITIONS

Section 1.

Original wording

Unreasonable noise, including loud music or shouting;

PUBLIC COMMENTS

None received

STAFF COMMENTS

Concern that definition conflicts with Noise Bylaw. Wording amended to reflect Noise Bylaw.

Proposed wording:

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

DEFINITIONS

Section 1.

Original wording

“Weapon” includes any firearm as defined in the City’s Firearm Discharge By-law # (1994)-14738 as amended.

PUBLIC COMMENT

Under Interpretation "Weapon" should this be expanded to include bladed weapons, bats, chains, etc.?

STAFF COMMENT

Definition has been expanded so that such items would be included.

Proposed wording:

“Weapon” means anything used, designed to be used or intended for use (a) in causing death or injury to any person, or (b) for the purpose of threatening or intimidating any person and, without restricting the generality of the foregoing, includes a firearm

CONDUCT AFFECTING OTHER PERSONS

Original wording

1. While on City Land, no person shall, unless pursuant to an exemption pursuant to this by-law:

(a) Engage in any riotous, violent, threatening or illegal conduct;

PUBLIC COMMENTS

May include things such as singing loudly, adults running through the streets, flash mob demonstrations, critical mass bicycle rides that temporarily impede traffic etc. All of the items I've just mentioned are peaceful and reasonable activities in a democratic society and I see no reason why law enforcement officers should have the right to dish out fines for activities that they have defined as 'riotous'. This is the opening line of what appears to me to be a redundant bylaw.

Why include if already illegal?

Are by-law officers given the same training as police officers?

STAFF COMMENTS

Common definition of riot includes violent disturbance, activities described would not be riotous section was reworded to clarify

Bylaw will not prevent peaceful and respectful protest; however violence destructive, non respectful protest is just as much a public nuisance as nuisance parties. Staff felt it would make sense to combine both type of protections for the innocent public and property into the same Bylaw.

Proposed wording:

(a) Engage in any violent, threatening, illegal or riotous conduct;

CONDUCT AFFECTING OTHER PERSONS

Original wording

(b) Engage in any activity in such a manner as may or does endanger or cause injury to any person or damage to any property;

PUBLIC COMMENTS

This is vague and allows law enforcement or bylaw enforcement to fine individuals for conduct that authorities perceive to be potentially injurious. Does this include doing skateboard/bicycle/rollerblade tricks? Climbing trees? Climbing over a fence on one's own property? What does 'any property' means, does that include your own property? Does this include a kid (12-14 year old) running through Quebec street mall with a ball and hockey stick, as I saw yesterday?

Why include if already illegal?

Are by-law officers given the same training as police officers?

Are we downloading federal/ provincial responsibility to by-law officers?

STAFF COMMENTS

This section is in place for public safety, staff are recommending no change but discretion would be used. This entire section applies only to City land.

Proposed wording (No Change):

(b) Engage in any activity in such a manner as may or does endanger or cause injury to any person or damage to any property

CONDUCT AFFECTING OTHER PERSONS

Original wording

(c) Participate in a Fight;

PUBLIC COMMENTS

On full consideration I do not even find this 'participate in a fight' part reasonable. If the process of a fight results in an assault charge or charges and through in a fair judicial process ends with a penalty for the assailant(s), than I support that outcome. If someone inadvertently finds him or herself in a fight will that person be automatically fined and be forced to navigate a lengthy rebate on that fine?

On City owned property will the expectation be that bylaw be the primary / priority responder?

STAFF COMMENTS

Definition was updated to provide clarification. Section allows police to address minor fights through the issuance of a ticket rather than through the Criminal code.

Proposed wording:

(c) Incite, encourage or participate in a Fight

CONDUCT AFFECTING OTHER PERSONS

Original wording

(d) Obstruct any sidewalk or pathway;

PUBLIC COMMENTS

Obstructing a sidewalk is not an action that is harmful to the community. It is not a public health concern. Large groups of people should be allowed to congregate in the sidewalk or pathway without fear of penalty. Strikes should be allowed to form picket lines. Temporary loading and unloading of vehicles has not occurred to me as an issue in this city that needs to be approached with a bylaw.

8(d) of the proposed bylaw prohibits obstructing a sidewalk and S. 8(r) prohibits protests that last more than 24 hours. Both of those appear to me to violate S. 2(c) of the Charter which guarantees the right to peaceful assembly.

I am not sure why these items are included though.

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people obstructing the sidewalk.

Several provisions contained within the bylaw are extremely vague and broad. We are particularly concerned with the following sections: S. 8(d) indicates that no person shall "obstruct a sidewalk or pathway".

Other sections, including curbs on the ability to; obstruct a sidewalk, cause trouble or annoyance to any other person, interfere with any permitted activity carried out by any other person. These are all far too vague to be enforceable and again allow the tyranny of city employee's biases to enter the fray when meeting out justice. This is not justice, this is a ham-fisted response to too many been exploded into a general assault on personal freedom.

Our concerns raise questions such as: what does it mean to obstruct a sidewalk? Would someone sitting on a sidewalk asking for money be in violation of this section of the bylaw? What sort of behaviours would be considered "annoying" under this bylaw? What type of behaviour in a washroom or change room would be defined as "objectionable"?

More clarity in by-law about responsibility of by-law officers
Panhandling? Sitting on a sidewalk?

First, the bylaw prohibits, among other things, a number of activities on city lands including: obstructing any sidewalk or pathway;

STAFF COMMENTS

Obstruct sidewalk has amended to include designated trails and pathways. This regulation is intended to ensure safety and accessibility for all citizens. This is intended to address those that intentionally obstruct pedestrian and vehicular traffic, discretion would be used for those protesting/striking that are intermittently interfering with the passage of pedestrians or vehicles to voice their opinion.

Proposed wording:

(d) Obstruct any sidewalk, designated trail or pathway;

CONDUCT AFFECTING OTHER PERSONS

Original wording

(e) Distribute, display or discard any handbill, notice, circular, advertisement, promotional item or sample;

PUBLIC COMMENTS

Under Conduct affecting other persons (e) I feel that this is in contravention of the Charter and is unconstitutional. I believe this should be removed.

How does this portion of the bylaw work with garage sale signage? Which is either posted or placed on city land.

I would suggest that this be removed from the bylaw (at least in their present wording) "8(e) distribute, display or discard any handbill, notice, circular, advertisement, promotional item or sample."

I have concerns with the section of the bylaw that prohibits the "distributing, displaying or discarding of any handbill, notice, circular, advertisement, promotional item or sample". 8 (e) is needlessly stifling the freedom of expression. What is the issue with people sharing their concerns in writing with others? if the issue is the garbage, perhaps it could be amended to read discard, not in a receptacles identified for that purpose.

I am not sure why these items are included though.

Regarding item (e), handing out notices, for free, to parties who voluntarily accept them is one means of communication I think needs to be preserved. I disagree with it being included as a "nuisance" and, quite contrarily, believe this type of activity is most often used for good - for charity events, culture days, etc.

To distribute against the will of the recipient; yes I agree. Otherwise, this is no more unreasonable a form of marketing for a cause, business, religion etc. than any other form of media. Handout distribution is most common for local causes, businesses, organizations etc. those that lack the buying power to market in other ways. By limiting this form of marketing the bylaw is unfairly disadvantaging smaller and more local organizations.

Citizens' must be able to congregate, leaflet, chant, inform and educate without risk of being fined. I hope Guelph can be a part of the movement for progressive

change that is sweeping the world instead of taking an authoritative and mean spirited stand against it.

Would this include leafleting at a protest?

Your nuisance bylaw is very disturbing. The intention to protect citizens from runaway parties and nuisances is served with it, but not without grave transgressions against our charters of rights and freedoms. Sections which prevent persons from the ability to: distribute handbills or notices.

S. 8(e) of the proposed bylaw prohibits handing out notices of an upcoming event, whether for political, religious, or other reasons. This seems to me to be a Clear violation of S. 2(b) of the Charter, which guarantees freedom of expression. In principle, the bylaw could be used to prevent Jehovah's Witnesses from talking to people on the street and asking of they want to learn about the JW religion. That would violate not only S. 2(b) but also 2(a), which guarantees "freedom of conscience and religion".

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people distributing handbills.

This is far too restrictive. The citizen's rights to distribute or display materials as part of their democratic process should not be abridged, as intended by this clause.

I am VERY disturbed by the following sections, which simply have to be struck from the proposed by-law: (e) THIS VIOLATES SECTION 2B OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS.

This could be used to prohibit someone handing our tracks, pamphlets, product information, etc, in Market Square, in front of City hall or on the Market grounds. If so, this is an unreasonable attack on our civil liberties and should be deleted.

As the XXXXXX of XXXX... we would like to state very clearly that such measures as are being contemplated by the Guelph City Council are draconian and appear to be more representative of a dictatorship than a democratically run Council. Many of the issues that would be covered under this bylaw would infringe on, among other things, the freedom of expression and association guarantees in the Charter.

Serious concerns about City government being given the power to decide, example; which sustained protests shall be deemed legitimate, to prohibit people from spreading information and political perspective through pamphletting, and potentially to bankrupt civil society organizations and individuals affiliated with unlicensed protest through the imposition of heavy fines by bylaw officers. The draft bylaw gives powers to the city government and its bylaw officers to infringe on the basic democratic rights of its citizens, which is bad enough in my mind, might the city not also have to worry about the potential of costly court challenges to this bylaw if enacted?

I helped with the organization of an event in my neighbourhood this summer. I can't imagine adding a request to the Executive Director of the City to this list and potentially being told that we can't put up posters or hand out flyers.

S 8(e) indicates that no person shall "distribute, display, or discard any handbill, notice, circular, advertisement, promotional item or sample". We suggest that is the purpose of this section is to decrease the amount of litter, the activity of littering should be prohibited, not the distribution of handbills.

This section seems to be an attempt to curtail people's right to protest or raise awareness on issues. This does not seem to have a place in a public nuisance omnibus.

It sounds logical that a person can't fight or do anything illegal on the streets, I'm confused by the following items, under number 8: While on City land, no person shall, unless pursuant to an exemption pursuant to this bylaw: (e), (i) and (r)

We are XXXXXXXXXXXX. We follow the age-old traditions of XXXXXXXX, which basically is a peaceful, joyful, singing aloud of the names of God for the benefit of all the living entities. We have no commercial interests, though, it is a traditions of XXXX to ask for voluntary donations. We do not consume any kind of intoxication. We are gentlemen and ladies first and foremost in society. We do not do any harm to anyone or their property, we don't block any passages, and we are peaceful and joyous in our approach. We were prosecuted in various parts of the world significantly in the 1960s and 1970s, but since the governments saw that we were peaceful and we did no harm to anyone, and since then we have been free worldwide to do our work peacefully in public and private. Would we be penalized under this bylaw?

What is the constitutionality of these sections?

Do not like these sections in the by-law at all

Handbills 1953-SCC you cannot prohibit the distribution of handbills

Handbills – should regulate 'garbage' or littering vs. distribution of information

The bylaw prohibits, among other things, a number of activities on city lands including: obstructing any sidewalk or pathway; disturbing, displaying or discarding any handbill, notice, circular, advertisement, promotion or sample;

The Supreme Court of Canada has affirmed that leafleting and putting up posters on public property is protected and may sometimes be the only means by which members of the public can effectively exercise their freedom of expression. The Court held that bylaws banning this kind of expressive activity violate freedom of expression in a manner that is unreasonable and cannot be sustained.

STAFF COMMENTS

No need for section.

Proposed wording

Section removed

CONDUCT AFFECTING OTHER PERSONS

Original wording

(f) Sell, rent or barter, offer for sale, rental or bartering or display for sale, rental or bartering, any goods or services;

PUBLIC COMMENTS

Once again this disadvantages the smallest and most local of entrepreneurs. If conducting business involves discussing contracts, including the renting of equipment, or performing informal sales such as through classifieds etc. I see no way in which this negatively affects the public. But I see no reason, why this less formal type of entrepreneurial activity should be banned or marginalized. In fact, I'm a strong proponent of more forms of unconventional vending such as food trucks, knife sharpening, clothes repair, flowers, magazines etc. Also, this form of selling is among the most inclusive and fair because it doesn't require large sums of capital to get going, as with an expensive building lease, or business education.

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people selling things.

STAFF COMMENTS

Business Licence Bylaw would regulate activities; however these sections are intended to address unauthorized advertising, sales on public land.

Proposed wording

(e) Sell, rent or barter, offer for sale, rental or bartering or display for sale, rental or bartering, any goods or services

CONDUCT AFFECTING OTHER PERSONS

Original wording

(g) Carry on any trade, occupation, business or profession;

PUBLIC COMMENTS

Concerned with the proposed by-law amendments, which does not create a two-way conversational relationship but instead imposes strict guidelines for the citizens of Guelph. There must be alternatives that allow people to express themselves in the City (selling things). We must ask WHY people are committing these activities; not just setting up guild lines to prevent these behaviours. Providing no alternative can stifle Guelph from being a creative, innovative, thriving community.

8 (f) - (g) Does this mean people can no longer meet in the Square downtown, or any other public place, to complete a Kijiji or eBay transaction? Say someone sells a cell phone and the two parties meet on public. Does this law now prohibit such transactions?

City lands should be a perfect place for people to try and develop business. I want to be able to work in a park or in the Market Commons any time I want. I want to hold informal business meetings (within reason in terms of numbers of people) in public spaces in our city.

STAFF COMMENTS

Business Licence Bylaw would regulate activities; however these sections are intended to address unauthorized advertising, sales on public land.

Proposed wording

(f) Carry on any trade, occupation, business or profession

CONDUCT AFFECTING OTHER PERSONS

Original wording

(h) Place or permit the placement of any vending machine or game operated by coins or other forms of money;

PUBLIC COMMENTS

I agree with this one. The city should be in charge of automatic machines that create wealth for individuals. However the city should require fully and proper licensing and permitting.

STAFF COMMENTS

Business Licence Bylaw and Encroachment Bylaw would regulate this activity, however this sections is intended to address unauthorized advertising, sales on public land.

Proposed wording

(g) Place or permit the placement of any vending machine or game operated by coins or other forms of money;

CONDUCT AFFECTING OTHER PERSONS

Original wording

(i) Cause trouble or annoyance to, or accost, any other person;

PUBLIC COMMENTS

Would assembling in the hundreds be considered causing trouble and interfering with regular activity? Couldn't you say that about the Santa Claus Parade?

Regarding item (i) is so subjective I can't see how it would be enforced. I feel this item would be abused.

I am not sure why these items are included though.

This statement is far too vague to be meaningful. Does French kissing ones partner annoy other people? Does riding with a group of bicycles in demonstration of a dead cyclist, or for cyclist solidarity worldwide cause trouble? The man who yells at passersby in Italian downtown Guelph; is he accosting people and therefore should be fined? The public should have the right to define its own sense being 'accosted' or 'annoyed' and large numbers of specific complaints should be dealt with accordingly. Granting police and bylaw officers to define 'annoyance' does not seem justified for the sake of health and safety.

The wording here conveys an intent that is far too restrictive and dependent upon a subjective assessment of what constitutes "annoyance" or an incidence of "accost".

I am VERY disturbed by the following sections, which simply have to be struck from the proposed by-law: (i) by definition public demonstrations in order to express one's political views can (and sometimes have to be) annoying to others in the community! This is part of the reality of a democratic system. It is shameful that such a formulation is even being considered to become law in this city!

As the XXXXX of XXXX... are draconian and appear to be more representative of a dictatorship than a democratically run Council. Many of the issues that would be covered under this bylaw would infringe on, among other things, the freedom of expression and association guarantees in the Charter. Other issues covered under this bylaw, are highly subjective (e.g., "annoying others"); We urge Council to seriously rethink their position on this bylaw and take the moral stand to defeat it and when it comes to a vote.

Several provisions contained within the bylaw are extremely vague and broad. We are particularly concerned with the following S. 8(l) indicates that no person shall "cause trouble or annoyance to, or accost any other person".

Look at section 8. (l) no person shall cause trouble or annoyance to any other person;???? How can this be justified or enforced without prejudice?

It sounds logical that a person can't fight or do anything illegal on the streets, I'm confused by the following items, under number 8: While on City land, no person shall, unless pursuant to an exemption pursuant to this bylaw: (e), (l) and (r)

Too ambiguous i.e. "annoying"

Further, some of these provisions, and in particular the prohibition on "causing trouble or annoyance to any other person" is vague and provides no advance notice to individuals as to what type of behaviour is actually prohibited.

STAFF COMMENTS

Staff agreed the section is too vague and recommend that it be removed.

Proposed wording

SECTION REMOVED

CONDUCT AFFECTING OTHER PERSONS

Original wording

(j) Be in possession of or use any Weapon;

PUBLIC COMMENTS

Every day in Guelph I am in possession of what could be defined as a weapon and I use it for numerous things. If a weapon is being used in a harmful way it is illegal and therefore punishable by existing laws. Those who would wish to do harm with a weapon would conceal it and therefore I do not see how this section is useful.

There is a case law showing a lighter being a weapon and a pen. Your sock could be a weapon.

STAFF COMMENTS

Definition of weapon was updated to provide clarification. No requirement to update this section.

Proposed wording

(h) Be in possession of or use any Weapon

CONDUCT AFFECTING OTHER PERSONS

Original wording

(k) Interfere with any permitted activity carried out by any other person;

PUBLIC COMMENTS

This section seems to be an attempt to curtail people's right to protest or raise awareness on issues. This does not seem to have a place in a public nuisance omnibus.

Peaceful political demonstrations could fall within this category. What is the justification for the aspects of this bylaw that would prevent peaceful demonstrations? Have there been issues with this that infringe on public safety?

Would assembling in the hundreds be considered causing trouble and interfering with regular activity? Couldn't you say that about the Santa Claus Parade?

This is far too restrictive based on its current wording. To "interfere" carries with it a wide and unacceptably permissive array of interpretations.

What is the constitutionality of these sections?

Do not like these sections in the by-law at all

STAFF COMMENTS

Freedom of assembly should never be outlawed. Freedom of assembly should not be constrained due to discomfort for observers or conflicting to current attitudes. This by-law is not proposing to do that. Rather, the by-law only proposes reasonable limits on the freedom of assembly (which the Charter explicitly allows) in order to protect against harm to innocent people and property.

Proposed wording

(i) Interfere with any permitted activity carried out by any other person;

CONDUCT AFFECTING OTHER PERSONS

Original wording

(l) Enter any washroom or change-room set apart for the opposite gender, or for a transgendered person, that person's former gender, provided that this shall not apply to children who are 6 years of age or younger and are, at that time, under the care of their parent, guardian or caregiver;

PUBLIC COMMENTS

I propose you alter the wording of section 8(l) to also include individuals with disabilities requiring the assistance of a caregiver of the opposite gender.

I feel that forcing someone to enter a washroom based on their former gender is not in touch with the needs of that individual. Is this in line with the wants and needs of the transgendered community? Lastly, children of ages older than 6 (such as differently abled children) may require extra assistance from their parent/guardian.

Other issue covered under this bylaw, are highly subjective, and while "using the wrong washroom" is a major issue for transgendered persons. We urge Council to seriously rethink their position on this bylaw and take the moral stand to defeat if and when it comes to a vote.

Can't assume gender; remove because Section M covers loitering

STAFF COMMENTS

Wording has been updated. For children older than 6, discretion would have to be used to ensure the privacy of all.

Proposed wording

(j) Subject to the *Human Rights Code*, R.S.O. 1990, c. H.19, enter any washroom or change-room set apart for the opposite gender, provided that this shall not apply to children who are 6 years of age or younger and are, at that time, under the care of their parent, guardian or caregiver;

CONDUCT AFFECTING OTHER PERSONS

Original wording

(m) Loiter in any washroom or change-room or conduct himself or herself in such a manner as to be objectionable to another person using, or in the vicinity of, said washroom or change-room;

PUBLIC COMMENTS

Several provisions contained within the bylaw are extremely vague and broad. We are particularly concerned with the following: S. 8(m) reads that no person shall "loiter in any washroom or change room or conduct himself or herself in such a manner as to be objectionable to another person using, or on the vicinity of, said washroom or change room".

Washroom section unfairly targets transgendered people

Washrooms for single occupancy use is proposed – remove this from the by-law

Washroom: change to does not apply to single use washrooms

If there is real threat to washroom; by-law should not be called, should be the police

STAFF COMMENTS

Section to be kept for public safety

Proposed wording

(k) Loiter in any washroom or change-room or conduct oneself in such a manner as to be objectionable to another person using, or in the vicinity of, said washroom or change-room

CONDUCT AFFECTING OTHER PERSONS

Original wording

(o) As the owner of a horse, livestock or a Dangerous Animal, or as a person having the care or control of a horse, livestock or Dangerous Animal, permit the horse, livestock or Dangerous Animal, as the case may be, to enter or be on City Land;

PUBLIC COMMENTS

The prohibition against horses livestock on public land would prohibit Mennonites from entering city limits in their vehicles, and would prohibit legitimate agricultural protests that involve livestock (even chickens)

“Dangerous animals”...subjective language

STAFF COMMENTS

Use of horses as transportation is legal, section has been clarified. Use of livestock would be subject to a permit.

Proposed wording

(m) As the owner of a horse, livestock or a Dangerous Animal, or as a person having the care or control of a horse, livestock or Dangerous Animal, permit the horse, livestock or Dangerous Animal, as the case may be, to enter or be on City Land, unless legally authorized;

CONDUCT AFFECTING OTHER PERSONS

Original wording

(r) Host or participate in a public rally or protest that exceeds 24 consecutive hours.

PUBLIC COMMENTS

Under Conduct affecting other persons (r) I feel that this is also contravention of the Charter and is unconstitutional, and also should be removed.

I would suggest that this be removed from the bylaw (at least in their present wording) "8(r) host or participate in a public rally or protest that exceeds 24 consecutive hours."

In addition, we have concerns regarding S. 8(r) of the proposed bylaw which reads that no person shall "host or participate in a public rally or protest that exceeds 24 consecutive hours.

This section seems to be an attempt to curtail people's right to protest or raise awareness on issues. This does not seem to have a place in a public nuisance omnibus.

The right to gather speak opinion and inform others of situations that they may be unaware of should be the lawful right of any citizen. I suggest the majority of the public go on their daily lives with knowing very little laws, bylaws or other events that may be changing that will have an effect on their lives. it in only after an individual or group rallies interest and provides information that the majority of people become aware. Other aspects of this bylaw should be able to deal with any public speaking, rally or protest should they impair the enjoyment or safety of others.

I strongly disagree with sections of this proposed bylaw. Freedom to assemble publicly is a right of Canadian citizens and to ban gatherings lasting more than 24-hours seems ridiculous, especially since it is not as if it is a very common or disturbing occurrence in Guelph. I lose trust in government when they push forward unnecessary laws that inhibit citizens from gathering in protest.

Striking workers will also be concerned with the details of this bylaw, particularly the possible application of the '24-hour-occupation' limitation against picket lines.

I am not sure why these items are included though.

Item (r) sounds like a direct response to the Occupy movement. As with free speech, I don't believe you should be able to censor someone because you don't like their message. Everyone should have the right to protest.

As for requiring permits to gather for more than 24 hours, I also fully support the bylaw. As a taxpayer, I do not need the money I pay, to police or control long term protests and gatherings. If these people wish to have the opportunity to gather for more than the permitted time, I believe they should use their money to support their cause. It should not happen on the taxpayer's dime!!!

I wholeheartedly disagree with this line. A peaceful political demonstration is part of the right of a democratic society. If there are issues that require long term protesting and the citizens of Guelph are willing to spend their precious time to rally against this issue, there is absolutely no justification for closing down their hard work with this bylaw. I implore you to remove this line from the bylaw altogether.

Citizens' must be able to congregate, leaflet, chant, inform and educate without risk of being fined. I hope Guelph can be a part of the movement for progressive change that is sweeping the world instead of taking an authoritative and mean spirited stand against it.

As written in 8(r) is actually a constitutional violation. I don't participate in protests, but if I were detained or arrested for violating this law I would be forced to sue the place I love to change the law and would win, no contest there.

Considering Remembrance Day just passed, and our citizens have given their lives in the same of freedom, does it not seem disgraceful that we are trying to silence those who speak out against the heavy hand of misguided authority?

Your nuisance bylaw is very disturbing. Sections which prevent persons from the ability to: host or participate in a public rally or protest that exceeds 24 consecutive hours. These are similar to what one might find in North Korea, the USSR, Iran or any other repressive regime. Your expansive 'city hall knows best' reasoning on including these draconian measures not only places officials in a position to exercise personal biases in the application of law, but furthermore destroys our ability to live in a free society. You must remove these sections before this law is passed. If you do not you will likely find yourselves with a charter challenge - something I do not want my taxes to pay for - the outcome of which, as any lawyer will tell you, will be that you will lose.

My primary concern with this bylaw draft is the requirement for a permit for assemblies of more than 24 hours. This creates a situation where City Hall will

have the ability to pick and choose who is given a permit. Who gets to decide if a permit will be given? Will it be given without questions to anyone who wants one? Or will it be a case of the City deciding who (and who does not) get to legitimately assemble and/or protest for more than 24 hours? The possibility of City Hall determining who can and who cannot gather for more than 24 hours is worrisome. In addition, the grouping of peaceful assemblies with the list of 'public nuisance' acts that including everything from violence, littering, graffiti, and starting fires is utterly inappropriate.

I find it a big concern that City Council might try to curtail people's rights to protest or gather for just causes, especially on the heels of Remembrance Day where we honoured those who fought for our rights and freedoms.

In short, our biggest concerns about the draft law are: - The overly broad scope of many prohibitions (ex: "causing annoyance to any person") and excessive discretionary powers given to bylaw officers and the Executive director. - The prohibition against public protests over 24 hours.

This is unduly restrictive. There can be many good and understandable reasons why some public rallies or protests should exceed a 24 hour time limit. The rationale will be based upon the urgency of the issue at hand, the scope of public engagement, the design and agenda of the event itself.

To express my opposition to the parts of the new nuisance bylaw that deal with peaceful protests. These parts are unnecessary, heavy-handed, and quite possibly unconstitutional. Even if they did turn out to be constitutional, does the city really want to spend the money fighting for this in court? I see the protests and encampments, but I don't find them disruptive or a nuisance at all. I still think that they are just exercising their Charter rights to freedom of expression. Those parts of the nuisance bylaw are a bad idea, and I hope you will oppose them in Council. We believe it would make sense to divide the proposed bylaw into two separate bylaws, one for parties and one for protests. With respect to protests, the early draft of the bylaw is very expansive in its coverage and certainly attempts to prohibit behaviour that is protected by the Charter of Rights. We would be very disappointed if the City attempted to adopt rules that repress basic rights.

There is a huge conflict when the organization that distributes permits is the same organization that can issue bylaw infraction. A public protest is every ones right along with the right together in order to peacefully demonstrate. Your ability to deny the right to protest circumvents this ability. There e are already laws in place for any unwanted activity. IF you already know that there could be issues with it, then you already know it's wrong. The law as written now may seem clear to you

and most other people today and in the near future. What about ten years from now, how will it be interpreted by others?

I am strongly opposed to the bylaw. I cannot recall a situation that could not be contained by city police authorities. I have lived in (another) country where citizen rights were not respected and public demonstrations were met with swift and often severe actions (detentions, harassment, beatings, fines) from the security service. Thankfully, Canada respects the right for citizens to congregate and demonstrate. Under the current laws, police and authorities have enough powers under the criminal code and other bylaws to address all situations that the City of Guelph wants to consider public nuisances.

I am concerned that the City would put through a bylaw that prevents people from demonstrating their displeasure at the city, if they wish to do so. Protests and rallies are part of the democratic protest and to silence people or ban them from the appropriate venues interferes with our right to free of speech and demonstration. If the city takes measures that people wish to protest against, they should be able to do so in city-owned property. As the nuisance bylaw: This in itself is not a problem, to me when it concerns non-political behaviour such as parties and general loitering.

I also have great concerns about the idea of fines or arrests for demonstrations/marches that are not become unruly. The one example I can think of is the Olympic torch incident in Guelph. It was NOT the fault of the protesters. This was a huge failure by the Olympic/Local security machine.

It is unnecessary and appears to be an attempt to take away rights and freedoms thousands of veterans, my late father included died for. Another reason not to proceed is the ensuing court battles against it will further drain city coffers and cause more municipal tax increases.

We are increasingly concerned with the trend towards tougher limitations on public protest and non-violent expressions of dissent. We have dismayed with recent policy changes at the federal level on this subject, but are even more surprised and dismayed that additional crackdown measures are being considered at the municipal level by our current council.

I have to say I am very concerned about this bylaw. Although I don't always agree with many protests I see (religious groups etc) I feel that they have every right to express their opinion. Who am I to say they shouldn't express themselves peacefully on public land. Requiring permits that's could be arbitrarily refused is wrong and goes against what I felt we stood for here in Guelph and in Canada. As

a homeowner I know that if there is a loud party etc the Police and Bylaw Officers are able to issue fines etc already. Why is council wasting their time on this effort?

We have no real problem with protests unless they get out of hand like the 99% protestors did or the G7 protest in Toronto.

It sounds logical that a person can't fight or do anything illegal on the streets, I'm confused by the following items, under number 8: While on City land, no person shall, unless pursuant to an exemption pursuant to this bylaw: (e), (l) and (r)

Of the proposed bylaw which reads that no person shall "host or participate in a public rally or protest that exceeds 24 consecutive hours.

What is the constitutionality of these sections?

Do not like these sections in the by-law at all

This section is generally subjective / vague

This section is too broad; not well defined

Revise protest – 24 hours allowed with no permit

protest...remove this section from the by-law

Unconstitutional?

Balancing reasonable conduct with right to protest, safety, etc.

Democracy should be protected by all ex. Police facilitate traffic and pedestrians during a protest

Prohibitions of 'rally' should be re-worded

The Charter of Rights and Freedoms enshrines a certain number of fundamental rights that are deemed necessary in a healthy democracy. One of them is the public's right to assembly. The well-being of a community depends on many things, but one of the most basic is the right to assemble in public. This bylaw would be an assault on democracy and community well-being as it is currently proposed. As well, the inclusion of these two additional activities places us on a slippery slope that could lead to major abuses of the public right to assemble here in Guelph. It is also the first steps that governing bodies take when their fear of public responses is high; but it is also certain that those same bodies, by enacting laws that contravene basic rights and freedoms, could lead to an eventual police state, where repression of the public is key for social control. I am sure that this is not the City's intent, but it is a danger with the proposed bylaw.

Freedom for the public to assemble must never be constrained or outlawed, no matter how uncomfortable it is for the observers, or how conflicting it may be to currently held attitudes of any level government. The abuses and arrests of peaceful demonstrators in the Occupy Movements and G20 would never have been able to occur had not the states, provinces, and municipalities enacted temporary and illegal laws to curtail the protests. The erection of temporary

structures includes those structures that may be part of a public protest or demonstration, but could also include the temporary structures of the homeless. Neither are public nuisances. They may be uncomfortable to behold and may offend our sense of tidiness, but both are outcomes of injustices and attempts to survive.

I don't understand the reasons for the expansive nature of the bylaw as it stands which includes many other things beyond what might be predictable for student parties. The proposed bylaw as it reads includes things that might make one suspicious as to what the real intention of the bylaw is (much like the omnibus bills and various tactics used by the Harper government). What is the overall purpose of this bylaw? Is it intended to stifle dissent? Silence citizen protest? Limit the democratic freedom of citizens to speak out against their governments? Shut down and bankrupt NGOs that protest the interests of corporations over people, unfettered development, and the degradation of the environment (given the amounts of the fines involved), for example? I find the proposed bylaw very worrying. My trust of a council and mayor that I have always supported and felt has been progressive and forward thinking, would be seriously shaken if this bylaw were to pass. We MUST maintain the basic rights and freedoms for the citizens to challenge government policy that (even if unintended) leads to poor outcomes for our fellow citizens. The right to speak out is far more important than the nuisance it causes.

In a last-ditch effort I plead with you to very, very carefully consider the path down which the Nuisance Bylaw is likely to take us, especially, as it regards fundamental freedoms under the Canadian Charter. The main one I see is that this is an omnibus bylaw that includes restrictions upon fundamental freedoms guaranteed by the Canadian Charter, and this is not what I expected of this Mayor and this Council. Here you have paved the way for an omnibus bylaw that was proposed to ostensibly deal with rowdy behaviour and vandalism and, surprisingly and ominously, includes restrictions on the fundamental freedom of the public assemble, to hand out leaflets, and to erect temporary structures on City property, among many, many other activities, some of which are also disturbing but are too numerous to mention here. This bylaw targets activists in the community who want to draw public attention to issues at the federal, provincial or municipal level. It will also be a severe restriction on the progressive culture that Guelph is known for, and out of which much well known leadership has come. I see a Council and Mayor who are being swayed by a small minority of staff, police officers, property owners and perhaps other Council members, to ensure that we will never have another Hanlon Creek Business Park protest or another Occupy Movement protest here in our City; where a permit to assemble will or will not be granted by an un-elected official whose personal politics could

have an undesirable effect on a fundamental right; and where the homeless will be denied the ability to erect temporary structures for survival. Protests, like taxes, are the price we pay to live in a democracy. But like taxes that bring us material infrastructure, peaceful protests are democratic infrastructure that bring attention to issues that we should all be concerned about. If you have been swayed by increasingly troubling police action around the country and the globe, by a regressive, right wing move towards restrictions on and repression of fundamental freedoms in order to protect property, then you will pass the bylaw. What a sorry day for this City that will be.

All individuals present within Canada have the right to free expression and to peaceful assembly and association in public spaces. Protests, rallies, and the distribution of literature are all important and meaningful manifestations of these rights. Any limitations on these rights must be tied to a compelling and pressing objective and must be carefully tailored in a way that restricts rights as little as possible. Municipal bylaws must comport with these requirements, and those that impose unreasonable limitations on individuals' fundamental rights and freedoms are unconstitutional. The proposed public nuisance bylaw appears to place considerable restrictions on basic rights in the name of protecting the well-being of the municipality, the safety and well-being of persons and the protection of persons and property. While these are laudable goals, the manner in which the bylaw limits basic rights and freedoms is neither necessary to achieve these objectives nor proportional to these goals.

STAFF COMMENTS

The rights and freedoms in the Charter are not absolute -- they are subject to reasonable limits. Many Ontario municipalities have for decades, without dire consequences, limited assembly of the public in the ways that this by-law proposes. The by-law would only let Guelph catch up to other municipal practices. The by-law would only impact public assembly which harms people or property.

There are indeed two abroad components of the by-law: nuisance parties on private property and public nuisances on City property. There is definitely no intent to stifle dissent or silence citizen protest. All basic rights and freedoms would be maintained.

Staff felt for the ease of the community to have all nuisances listed under one Bylaw.

This section although in our opinion not a contravention of the Charter of Rights has been removed.

Proposed wording
SECTION REMOVED

CONDUCT AFFECTING CITY PROPERTY

Original wording

(a) Engage in any activity in such a manner as may or does cause damage to any property of the City;

PUBLIC COMMENTS

Regarding the ability to 'manage' occupancy and behaviour in city parks specifically 'dusk-to-dawn'. This subject has been predicated on a considerable amount of vandalism both private (vehicles; theft) and public (community garden; park equipment), noise and inappropriate behaviour having occurred (and continuing) in XXXXXXX Park.

Most municipalities have a bylaw for no 'dusk-to-dawn' park occupancy and each park has postings informing patrons of this. This no dusk-to-dawn bylaw is not meant to be draconian and negate someone's access to walk their dog or just walk through after dusk but to help bylaw and police officers manage inappropriate behaviour in the parks without a neighbour complaint/call-in being the impetus. It was suggested that a specific line be added to the draft bylaw that describes 'no dusk-to-dawn occupancy of City Parks' without prior authorization. The final wording of this line in the bylaw is very important recognizing that officers have to be legally empowered to manage inappropriate behaviour but also not to be fining park/neighbourhood-respectful folks that are using the park after dusk.

STAFF COMMENTS

While operating hours for public parks are not indicated in the Bylaw, time limits within public parks can be signed if necessary as determined by City Park staff.

Proposed wording (no change)

(a) Engage in any activity in such a manner as may or does cause damage to any property of the City;

CONDUCT AFFECTING OTHER PERSONS

Original wording

(b) Break, injure, deface, prune, plant, move or remove the whole or any part of any flower, shrub, grass, plant material, tree or other vegetation;

PUBLIC COMMENTS

I am not sure why these items are included though.

Regarding planting, pruning, removing the whole or any part of a flower on city property; again the times are changing and in the interests of food security countries around the world are opting to create edible landscape in public places. Would this wonderful potential for positive community development be lost with that one little phrase in the bylaw?

Are we really going to pass a bylaw to make it an offence to break or damage a blade of grass or dandelion?

Remove Section 9(b) & (i)

Does this mean we cannot plant, collect?

Break is fine but not prune, plant, remove or move

Co-operative gardens? – Should be allowed

May deny planting i.e.: boulevard

Exclude boulevards

STAFF COMMENTS

With respect to damaging or vandalizing City property, in the best interest of the City, this section has been kept.

Proposed wording

(b) Break, injure, deface, prune, plant, move or remove the whole or any part of any flower, shrub, grass, plant material, tree or other vegetation;

CONDUCT AFFECTING OTHER PERSONS

Original wording

(d) Attach, stencil, paint or otherwise apply, fasten or erect any marking, graffiti, sign or notice to any property on City Land;

PUBLIC COMMENTS

I am not sure why these items are included though.

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people putting up posters. While many of the nuisances listed in the bylaw are legitimate safety concerns (fighting, using a weapon, engaging in threatening behaviour), we believe that such violent activity is best addressed through the criminal code and the Police. Generating duplicate laws for such serious violent issues, with different enforcement methods and legal standards, raises serious concerns. There is no place for Bylaw Enforcement Officers to be handing out tickets for "use of a weapon"; such enforcement is the exclusive realm of police

Concerned with the proposed by-law amendments, which does not create a two-way conversational relationship but instead imposes strict guidelines for the citizens of Guelph. There must be alternatives that allow people to express themselves in the City (applying graffiti). We must ask WHY people are committing these activities; not just setting up guild lines to prevent these behaviours. Providing no alternative can stifle Guelph from being a creative, innovative, thriving community.

The only issue that I caught that might be a problem is Column 9 (d) the issue is Postering. I know this has been an issue in the past. But, my understanding is that quite a few years ago, there was a Charter Challenge about postering by a band in Peterborough and they won. A judge ruled on their favour and said that putting up posters is an integral part of free speech and the life of cities and even if that is the ruling I think that it's an important issue that the City needs to take into account. I understand that you have problems with giant posters and people who use glue on stuff and things like that. But I do think there should be some leeway, so small groups can advertise, although you probably could argue that you could do it all by social networking now. So it's not necessary. I'm willing to be open to that argument as well. But, if nothing else, I think the lawyers should look into see if there is a Charter Right protecting the people to do some sort of postering.

What about the city supporting democracy and freedom of speech?

Prohibits anyone from putting up a sign or notice of an event on signposts-- In principle, it forbids putting up notices of all lost pet or for a neighbourhood barbeque.

Graffiti

Do not like “attach” – is this not already a bylaw?

Does this include election signs, sidewalk chalk (or any other non-permanent substance)

Co-operative gardens? – Should be allowed

May deny planting i.e.: boulevard

STAFF COMMENTS

Posters and signs are regulated under the Sign Bylaw and current enforcement practices will not be changed.

With respect to damaging or vandalizing City property, in the best interest of the City, this section has been kept.

Proposed wording (No change)

(d) Attach, stencil, paint or otherwise apply, fasten or erect any marking, graffiti, sign or notice to any property on City Land

CONDUCT AFFECTING OTHER PERSONS

Original wording

(e) Dispose of or dump any organics, recyclables, waste, refuse, litter or any other matter or thing, except that which is generated through normal use of the City Land, and which is deposited only in receptacles provided for such purpose;

PUBLIC COMMENTS

If we already have existing bylaws such as disposal of garbage on City land, why would we need the same action rolled into a much larger bylaw. The city and its Bylaw Officers presently have an effective means of dealing with such actions as well as the ability to amend any existing bylaw that may have missed its mark.

Addresses household garbage that is miss-sorted and dumped in City Parks

Broken bottles (beer) on City streets

Can this exclude items that are recyclable or can be re-used?

Should there be a time limit?

STAFF COMMENTS

Waste Management Bylaw regulates this activity.

Proposed wording

SECTION REMOVED

CONDUCT AFFECTING OTHER PERSONS

Original wording

(f) Dump or deposit snow;

PUBLIC COMMENTS

Under conduct affecting city property- item (f)-dump or deposit snow ... is it suggested here that no one would be allowed to dump or deposit snow onto any city property? Ex: if someone ploughs their driveway and pushes the snow across the street onto the blvd, is this considered a chargeable act?

Snow clearing: What is the city thinking? The cost is so small and the need so great I'm amazed this keeps being debated. Last I saw the City of Guelph Police Service costs a shocking amount. Why not trim some of their budget?

STAFF COMMENTS

Currently the Traffic Bylaw regulates this activity on road allowances. Residents are permitted to deposit snow on boulevards in front of their residence. The intent of adding this section is to regulate this activity on other municipal land specifically parks and public squares.

Section to be reworded.

Proposed wording

(e) Dump or deposit snow in a park or public square

CONDUCT AFFECTING OTHER PERSONS

Original wording

(i) Camp, dwell or lodge;

PUBLIC COMMENTS

I would suggest that this be removed from the bylaw (at least in their present wording) "9(i) camp, dwell or lodge."

Conduct Affecting City Property; 9(l) - the provisions here require careful defining.

Remove Section 9(b) & (i)

Enforcement can vary widely depending on how by-law officer interprets this:

Section (l) – camp / dwell / lodge

Do we need a section on squatting?

Seems to be targeting homeless

Remove – Where do homeless go?

The homeless are another casualty of either mental health issues or inequality from vulture capitalism, and they could be another casualty in the efforts to comply with the bylaw.

STAFF COMMENTS

This section is not intended to address homeless issues. Homelessness is better addressed through community outreach by the Guelph Police Service or other organizations. This section is to address the erection of structures that may pose a hazard to public safety or City assets.

Camp, dwell or lodge was kept to protect health and safety matters on City land.

Proposed wording (no change)

(h) Camp, dwell or lodge

CONDUCT AFFECTING OTHER PERSONS

Original wording

(j) Place, install or erect any temporary or permanent structure, including any tent or booth;

PUBLIC COMMENTS

Your nuisance bylaw is very disturbing. The intention to protect citizens from runaway parties and nuisances is served with it, but not without grave transgressions against our charters of rights and freedoms. Sections which prevent persons from the ability to: install or erect any temporary structure including any tent. These are similar to what one might find in North Korea, the USSR, Iran or any other repressive regime. Your expansive 'city hall knows best' reasoning on including these draconian measures not only places officials in a position to exercise personal biases in the application of law, but furthermore destroys our ability to live in a free society. You must remove these sections before this law is passed. If you do not you will likely find yourselves with a charter challenge - something I do not want my taxes to pay for - the outcome of which, as any lawyer will tell you, will be that you will lose.

Would this include a powerful street theatre visual used to generate interest about an important issue?

The erection of temporary structures includes those structures that may be part of a public protest or demonstration, but could also include the temporary structures of the homeless. The homeless are another casualty of either mental health issues or inequality from vulture capitalism, and they could be another casualty in the efforts to comply with the bylaw.

A better way to deal with tent, dwelling in a public space is to promote public dialogue

A recent B.C. Court of Appeal decision found that a municipal bylaw prohibiting the erection of structures "subject to Council's unfettered discretion to mete out individual exemptions" was an unjustifiable violation of freedom of expression when applied to individuals engaged in political protest.

STAFF COMMENTS

Staff believe the erection of tents and other structures have safety implications to other citizens especially in park areas where tents have been known to be taken

by wind and may cause injury to other park users. Enforcement would be discretionary.

Proposed wording (no change)

(i) Place, install or erect any temporary or permanent structure, including any tent or booth

CONDUCT AFFECTING OTHER PERSONS

Original wording

(k) Enter the water in any fountain;

PUBLIC COMMENTS

Prohibits entering the water in a fountain. Lots of children play in the water in the Square, and many more play in the splash pool outside of the City Hall.

The splash pad in front of City Hall would be considered a fountain to some. Is that suddenly off limits?

What is the intent of this? – remove altogether

STAFF COMMENTS

Section to be clarified.

Proposed wording

(j) Enter the water in any fountain or water feature not intended for such use

CONDUCT AFFECTING OTHER PERSONS

Original wording

(m) Tether, launch or land any Aircraft; or

PUBLIC COMMENTS

Secondly, I must admit that I do not understand why there is a regulation regarding landing or launching an aircraft, I've been in Guelph for almost 50 years and have never seen nor heard of a plane taking off or landing in Guelph, so I do not see why this is being introduced.

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people landing aircraft (?). While many of the nuisances listed in the bylaw are legitimate safety concerns (fighting, using a weapon, engaging in threatening behaviour), we believe that such violent activity is best addressed through the criminal code and the Police. Generating duplicate laws for such serious violent issues, with different enforcement methods and legal standards, raises serious concerns. There is no place for Bylaw Enforcement Officers to be handing out tickets for "use of a weapon"; such enforcement is the exclusive realm of police

STAFF COMMENTS

Issues have arisen in the past with hot air balloons, section was kept and definition was modified to address smaller aircraft that may cause public safety issues.

Proposed wording (No change)

(l) Tether, launch or land any Aircraft; or

CONDUCT AFFECTING OTHER PERSONS

Original wording

(n) Bring, operate, park or leave any Motor Vehicle on any surface not designed for Motor Vehicles.

PUBLIC COMMENTS

Why are we including Section N – regulation of motor vehicles? Isn't this covered in parking by-laws?

STAFF COMMENTS

Parking Bylaws do not regulate parking outside designated areas or grass surfaces within public squares or parks.

Proposed wording

(m) Bring, operate, park or leave any Motor Vehicle on any surface not intended for such use

ADMINISTRATION

Original wording

Section 10

(a) Issue or refuse to issue Permits permitting activities that would otherwise be prohibited or restricted by this by-law;

PUBLIC COMMENTS

In addition to the concerns with content, we also foresee issues with the administration of the proposed bylaw. For example S. 10(a) of the bylaw reads that: "In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion, considering the purposes of this bylaw and the best interests of the City, is authorized to: (a) Issue or refuse to issue permits permitting activities that would otherwise be prohibited or restricted by this bylaw". What would be the guidelines that would be considered when deciding whether or not to issue a permit? If the issuance of a permit was refused, would there be some sort of appeal process?

This smacks of entrapment or undue license. The refusal to issue directive or restrictive information is hardly constructive. Information pertaining to prohibition or circumscription of democratic public activities is extremely important, and a very sensitive dimension of due process and social justice.

City has the power and assumes the right based on discretion, to determine who gets a permit

City insists it can control by issuing permits, if so we demand:

Guidelines for their issuance

No fees for permits, Remove administration section completely

Permits restrict our rights, Remove permit requirements

What would be the guidelines that would be considered when deciding whether or not to issue a permit? If the issuance of a permit was refused, would there be some sort of appeal process?

concerns about provisions that provide the 'Executive Director' with significant discretion in issuing or refusing to issue permits, charging fees and interpreting conflicts between the bylaw and other City bylaws. The discretion granted to the individual that may be fulfilling this role is extremely broad and the bylaw provides no guidelines for determining when a permit should be issued or refused, how fees should be assessed, or how determinations about the "best interests of the City" will be determined in the event of a conflict between bylaws

STAFF COMMENTS

Staff feel that things like requiring permits and protecting the innocent public and property constitute legitimate reasonable limits. The guidelines for using permits (Special Event Permits) are already in place and being applied. Revocation of permission to remain on the City land would only apply for the short term purpose of giving an order or laying a charge at that time.

Proposed wording (No change)

(a) Issue or refuse to issue Permits allowing activities that would otherwise be prohibited or restricted by this by-law

ADMINISTRATION

Original wording

Section 10

(d) Revoke, void or alter Permits without notice.

PUBLIC COMMENTS

The provision "without notice" is unacceptable. This is an undesirable delegation of authority, and authority that has no counterbalance of providing and publicly presenting just cause and rationale.

Remove Section 10 altogether

Should not be able to revoke, alter, or void permits without notice – strike this section

Must be appeal process, notice, etc.

Do not like "sole discretion" – especially with "without notice"

What is the duty of fairness on revoking permits?

We want clear guidelines on revoking permits

At minimum notice must be given when revoking

Permit should be issued or refused, how fees should be assessed, or how determinations about the "best interests of the City" will be determined in the event of a conflict between bylaws.

STAFF COMMENTS

The guidelines for using permits (Special Event Permits) are already in place and being applied.

Revocation of permission to remain on the City land would only apply for the short term purpose of giving an order or laying a charge at that time. Without notice wording to be removed as notice would be given prior to the issuance of charges.

Proposed wording

(d) Revoke, void or alter Permits

ADMINISTRATION

Original wording

Section 12

In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion considering the best interests of the City, is authorized to:

- (a) Issue and post or refuse to issue and post Signs permitting activities that would otherwise be prohibited or restricted by this by-law;
- (b) Issue and post or refuse to issue and post Signs prohibiting or restricting activities that would otherwise be permitted pursuant to this by-law;

PUBLIC COMMENTS

This smacks of entrapment or undue license. The refusal to issue directive or restrictive information is hardly constructive. Information pertaining to prohibition or circumscription of democratic public activities is extremely important, and a very sensitive dimension of due process and social justice.

You can take away rights otherwise available simply by posting a sign??

Executive Director must be an actual Guelph Resident and should be an elected official because they are accountable to the public and city staff are not.

STAFF COMMENTS

Ability to post signs restricting activity supports current authority under the Trespass to Property Act.

Proposed wording (No change)

In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion, considering the purposes of this by-law and the best interests of the City, is authorized to:

- (a) Issue and post or refuse to issue and post Signs permitting activities that would otherwise be prohibited or restricted by this by-law;**
- (b) Issue and post or refuse to issue and post Signs prohibiting or restricting activities that would otherwise be permitted pursuant to this by-law;**

ADMINISTRATION

Original wording

Section 12

(d) Remove or alter Signs without notice.

PUBLIC COMMENTS

Not unlike the above, this is far too permissive and opaque and contrary to contemporary practice in public service.

Do not like “sole discretion” – especially with “without notice”

Way too broad

STAFF COMMENTS

Without notice wording to be removed

Proposed wording

(d) Remove or alter Signs

NUISANCE PARTIES

Original wording

Section 13

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

PUBLIC COMMENTS

How would continue, create, and allow be in S. 13(1)? We are concerned that without clear definitions, the application of the sections would be left to the discretion of the Bylaw Officers and could lead to harassment and the prohibition of a variety of innocuous behaviours.

Concerning the proposed bylaw dealing with nuisance parties and protests I would ask that the proposed bylaws only deal with nuisance parties and not include protests. The two things being dealt with are quite distinct. The case for the need of a bylaw dealing with protests has yet to be made. The problem the nuisance parties should not be used as a p-text to draft the bylaw dealing with protests. There should be called a second bylaw dealing with protests is needed. It should recognize that everyone that is quote "everyone has the right to freedom of Peaceful Assembly and Association " Article 20, 1 of the Universal Declaration of Human Rights.

I fully support the complete bylaw as recommended by staff. We have many issues in Ward X with Student Housing and the problems that come with them. The parties, garbage and general disregard for our neighbourhoods is disgusting. The lack of action by the absent landlords needs to be addressed.

There is a real need to address the issue of nuisance parties, but is a mistake to conflate this issue with that of non-violent public protests. The purpose here seems to be more about protecting the corporate interests of the City of Guelph. The issue of economic interest vs. environmental protection is important, but is disingenuous to pretend this is about public safety. It is paternalistic and patronizing to suggest that such a law is for the protection and safety of the protesters themselves.

My support for the nuisance bylaw was with regards to the local University students and their lack of respect for their neighbours and their property. The city does not enforce the current existing laws because they do not want to create criminal record for these University students. Also, the littering and trespassing on my property, not to mention the numerous loud parties. Let's work together to do something about this to make the city of Guelph a better place, especially in the south end!

strike "attend"

I support the City of Guelph creating nuisance bylaws for our community. I am relatively tolerant with our student neighbours and their antics but the students around us have begun to test our patience more and more frequently. I am getting pretty fed up with listening to intoxicated people screeching drunken garble or obscenities at all hours of the day or night. I know how much these "house parties" can bring in. If students can host "house parties" but choose to disrespect Guelph Residents, their neighbourhood and all the rules, I assure you that they are more financially capable of paying the fines.

Peaceful protest is everyone's right in a democratic society. But I'm not sure why they are lumping out-of-control parties into the same proposed law. I live in a residential neighbourhood and now surrounded by student houses that import uncontrolled throngs of loud, aggressive, inebriated, disrespectful revellers will into the wee hours. This taxes the Police resources. I was actually told it takes 4 calls/reports of such an incident before riot regalia/armour. It was frightening to say the least. I am all for a separate bylaw for this sort of public nuisance. Peaceful, respectful public protest is a separate entity. It is a basic right in a free society.

There is a real need to address the issue of nuisance parties, but it is a mistake to conflate this issue with that of non-violent public protests. The purpose here seems to be more about protecting the corporate interests of the City of Guelph. The issue of economic interest vs. environmental protection is important, but it is disingenuous to pretend this is about public safety. It is paternalistic and patronizing to suggest that such a law is for the protection and safety of the protesters themselves.

We (myself and my wife) as residents of XXXXX, have over the last 6 years been very much negatively affected by the anti-social behaviour and actions of some of our neighbours. By their own account

Guelph By-Law or Police officers have in the last 6 years been in attendance at or around our house XX (!!!) times in order to deal with; loud music and unruly behaviour, obvious/apparent drug abuse and dealing, repeated vandalism to our property, and threats and abuse directed at me personally and/or at my wife. Fortunately, the overall situation has over the last summer remarkably improved, i.e., in the last 6 months GPS only had to attend to our property once, which in our observation is solely due to the efforts of and tenant selection by XXXXX and XXXXX, the new owners, landlords and managers of XXXXX. In contrast, the by-law and police response over the years had- despite the appreciated efforts of individual officers such as XXXXX - been completely ineffective. This is however in my mind NOT due to the lack of applicable laws, but rather due to the lack of their interpretation, actual enforcement and meaningful follow-up. On one occasion, one of the worst offenders had - finally - been issued a noise by-law ticket, which within 1/2 hours of being written ended up half burned and stuffed into a beer bottle on my front porch. I presented this to GPS and got no response, let alone legal follow-up or actual enforcement. It is already stated that; "Many of these

activities are already regulated under other City by-laws or legislation." Indeed, ALL of them are - all you need to do is actually enforce them and give by-law and GPS the man-power and resources to do so! What is most disturbing about the now proposed new by-law is that some aspects of it seem more targeted against potential political demonstrations and activities that are clearly protected by the Canadian Charter of Rights and Freedoms rather than the establishment of Law and Order. I am VERY disturbed by the following sections, which simply have to be struck from the proposed by-law: (e) THIS VIOLATES SECTION 2B OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS. (l) By definition public demonstrations in order to express one's political views can (and sometimes have to be) annoying to others in the community! This is part of the reality of a democratic system. It is shameful that such a formulation is even being considered to become law in this city! (r) THIS VIOLATES SECTION 2C OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS. In summary I oppose the proposed by-law in its current form.

With respect to nuisance parties, it would be prudent to insure that the bylaw is not so broadly worded that it prevents social gatherings such as wedding parties, neighbourhood block parties and other widely accepted gatherings

However, I do agree with shifting the duty of controlling house parties to bylaw.

I am fine with this section of the proposed bylaw: -nuisance parties involving disorderly conduct, public drunkenness, damage to property, unreasonable noise, fighting and public urination. And the second point of -on City land, violent or illegal conduct, fighting, possession of a weapon, knocking over mailboxes, breaking trees, graffiti, dumping garbage or snow and building fires.

This new bylaw makes perfect sense to me, we have big problems with nuisance parties in big parts of the city and you need the tool to deal with them.

Concerning the proposed bylaw dealing with nuisance parties and protests I would ask that the proposed bylaws only deal with nuisance parties and not include protests. The two things being dealt with are quite distinct. The case for the need of a bylaw dealing with protests has yet to be made. The problem the nuisance parties should not be used as a p-text to draft the bylaw dealing with protests. There should be called a second bylaw dealing with protests is needed. It should recognize that everyone that is quote "everyone has the right to freedom of Peaceful Assembly and Association " Article 20, 1 of the Universal Declaration of Human Rights.

The fact that this gives municipalities the power to prohibit and regulate "public nuisances" without providing a useful definition of a "public nuisance" is troubling in itself. I have attended two public discussions about the draft bylaw. I have severe reservations about the draft as it currently exists.

This sounds like an extremely harsh bylaw for most of the acts it discusses in the draft. For example: Nuisance parties, most 'party houses' don't have parties that

often that they warrant such a harsh penalties. I understand that most of these parties involve students at the University, and that other people live in Guelph too and the excessive noise of a party is unfair to them. However, bylaws have just gotten ridiculous, you can barely make a sound now without worrying about having a neighbour phone a noise complaint on you. Granted, there are incidences, such as parties regularly at the same residence or in the same neighbourhood that should be monitored, but if someone hosts party every once and a while, I do NOT see how that mean they should get a 10,000 dollar fine. Most of the offenses on this draft are incredibly minor and the penalties are ridiculous.

STAFF COMMENTS

Staff believe that the Courts will be able to interpret the language of the Bylaw.

Section 13 provides for the laying of Provincial Offence Notices against individuals who breach its provisions.

Staff felt for the ease of the community to have all nuisances listed under one Bylaw. Section regarding protests has been removed.

Weddings and other similar social events are already covered under the City's Special Event process and will continue.

The section referring to protests, although in our opinion is not a contravention of the Charter of Rights has been removed. This was reviewed, staff felt for the ease of the community to have all nuisance like issues within one Bylaw.

With respect to a public nuisance, the Bylaw itself identifies the activities which would be considered public nuisances.

These events are already covered under the City's Special Event process and will continue. The definition of "Nuisance Party" in the by-law is limited to cases where there is unreasonable interference with the innocent public or property.

Upon conviction, fines are set by the Court in accordance with law. Set fines of a lesser value comparable to other Bylaw fines will be implemented.

Proposed wording

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

NUISANCE PARTIES

Original wording

Section 13

(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 allow, cause or permit a Nuisance Party on said Premises.

PUBLIC COMMENTS

Guelph city council has perfected the attack on many forms of protest by drafting a bylaw allowing forcible removal of 'nuisance parties' (parties being people with both signs and beer), even from private property. This is a dangerous precedent. I can see Toronto and Ottawa city councils under serious pressure to be the next adopt measures (if they do not have similar already). If this bylaw is passed it will be an attractive hammer to be used on a myriad of problems that suddenly all look like nails, be they sit-in or occupy-style protests, the homeless, or merely weekend-long parties at student rentals.

The issue we are concerned most with is the nuisance party. There is a saying that if it doesn't affect me what do I care and we felt that way until the house next door became student housing. When we try and talk to them about our problems, the kids feign naivety and are nonchalant about the whole thing. The landlord lives out of town. We would like you to know that we are in support of the bylaw but with a few changes in regard to the protests but we would like to have a nuisance bylaw in the City of Guelph.

STAFF COMMENTS

Property owners are responsible for their property and must take reasonable steps to ensure Bylaws are complied with. When a property owner fails to take reasonable steps a fee may be charged to recover some of the costs associated with addressing the nuisance party). An owner who did not condone the nuisance party would not be billed for the costs. When an owner is responsible, the City believes that particular owner, and not the taxpayers at large, should have to pay.

Proposed wording (No change)

(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 permit or cause a Nuisance Party on said Premises

NUISANCE PARTIES

Original wording

Section 13

(3) Upon the order of the Chief of Police or the Executive Director, every person who is sponsoring, conducting, continuing, hosting, creating, attending, allowing, causing or permitting a Nuisance Party on specified Premises shall cease such sponsoring, conducting, continuing, hosting, creating, attending, allowing, causing or permitting of such Nuisance Party, and every person not residing on such Premises shall leave such Premises.

PUBLIC COMMENTS

I support any tools to help the police minimize the disturbances that happen in our neighbourhood on a weekly basis. Our street is rapidly changing and I feel there is nothing we can do to prevent it. We have too many students' rentals on this street and it shows. The excessive noise and loud music at night, the garbage left out for weeks, the dangerous driving of students oblivious to our children playing outside, the girl sitting on the roof, the broken glass on the sidewalks, the large groups of people smoking on the front porch, the swearing, the eggs on our house, the toilet paper in the trees and the guys urinating in the front yard bushes on a bright and sunny Saturday afternoon when my kids are playing outside right across the street. If we could afford to move, I would move far away from the University of Guelph! Please allow this bylaw to pass! Please give the students some sort of deterrent!

My support for the nuisance bylaw was with regards to the local University students and their lack of respect for their neighbours and their property. The city does not enforce the current existing laws because they do not want to create criminal record for these University students. Also, the littering and trespassing on my property, not to mention the numerous loud parties. Let's work together to do something about this to make the city of Guelph a better place, especially in the south end!

STAFF COMMENTS

No comment

Proposed wording (No change)

(3) Upon the order of the Chief of Police or the Executive Director, every person who is sponsoring, conducting, continuing, hosting, creating, attending, permitting or causing a Nuisance Party on specified Premises shall cease such sponsoring, conducting, continuing, hosting, creating, attending, permitting or causing of such Nuisance Party, and every person not residing on such Premises shall leave such Premises.

NUISANCE PARTIES

Original wording

Section 13

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

PUBLIC COMMENTS

Any order given orally must be accompanied by a written record. Otherwise in case of ex post facto contest the alleged order carries little more weight than hearsay.

STAFF COMMENTS

Oral orders can be proven by oral evidence. Sometimes there is not time to issue a written order.

Proposed wording (No change)

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

NUISANCE PARTIES

Original wording Original wording

Section 13

(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.

PUBLIC COMMENTS

Is it necessary for bylaw officers to close roads down, etc?

Is this for public safety?

Do we not need police for this?

Why can by-law close highway to control nuisance party, but needs 24 hour notice for (democratic) protests?

Definition – strike any mentions of blocking streets

STAFF COMMENT

Road closures would be conducted to address public safety issues.

Proposed wording (No change)

(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

NUISANCE PARTIES

Original wording

Section 14

(1) The City may impose a fee or charge upon any person hosting a Nuisance Party and/or the owner of Premises where the Nuisance Party is held.

PUBLIC COMMENTS

I take exception to the following proposals, and for these reasons; billing property owners for nuisance party costs to take control: We already pay taxes to fund law enforcement agencies. Why should we be paying for them to be doing their job? This should never even be considered. Also, who is to say why the owner is even responsible? What would happen if for an example if the public was unhappy with this proposal and started protesting on a counsellor's front lawn and the counsellor was unable to break up the gathering. Officers would have to come break it up and the counsellor would get billed for it. Does this make any sense at all?

My comments are restricted to **NUISANCE PARTIES** 1) Subsection 14(1) states "The City may impose a fee or charge.... Upon [...] the owner of the Premises where the Nuisance Party is held." An owner would be charged even if he/she did not host the Party or was unaware of the Party being held. Furthermore, the owner could be the resident of that property, perhaps away on vacation at the time, or a landlord of that property. Legally, the City is making the Property Owner legally responsible for the actions of other adult individuals.

Presently, some of the City's existing bylaws already make property owners (i.e. A Landlord) responsible for the behaviour of the property's occupants (i.e. A Tenant). Seldom, does the Bylaw Officer make an effort to contact the occupant to rectify the infraction. That action takes time. Plus it's easier to pursue the owner "because that is where the money is." As a City Landlord, I have previously received these letters citing infractions caused by my Tenants. As written the proposed Nuisance Bylaw is expecting me as a Landlord to ensure my adult Tenants do not cause Nuisance Parties at a property that I would not even live at. This is unfair. Why should a property owner be held accountable for the actions of others?

Generally, nuisance parties are hosted by Tenants who will not own property located within the City of Guelph. This makes collection of any fines or cost recoveries more difficult since the City cannot add such fines or recovery costs to the Host's property. Therefore, it is much easier to assess the property owner those fines and cost recovery charges. I was advised the City has only previously charged 2 Property Owners under the noise bylaw for related infractions caused by their Tenants and was only after the Property Owners did not provide their cooperation.

It is assumed that the event alluded to here has been independently proven to have been a "Nuisance Party". This should be explicit.

As a homeowner I know that if there is a loud party etc the Police and Bylaw Officers are able to issue fines etc already. Why is council wasting their time on this effort?

In retrospect the Manager's comments do not address my concerns because: a) The City's current policy not to charge Property Owner's, except in unusual circumstances, can be changed any-time. b) If the City truly intends not to charge recovery costs to Property Owners then that clause should not even be included in the Draft Bylaw? c) What is the City's definition of a "cooperative landlord" as noted by the Manager? That is an open-ended statement. 5) Should the Tenant Host(s) not be assessed recoverable costs (i.e. the landlord be assessed instead) then that individual(s) is not being held accountable for their actions. After a nuisance party, the landlord will evict that individual who can simply relocate elsewhere within the City and host another nuisance party and the process is repeated. Why can't this city charge individuals under the noise bylaw? This draft bylaw also does not address the option to charge guests attending the nuisance parties either. 6) I believe the Nuisance parties should not be tolerated and are a serious infringement within a neighbourhood and the effort to discourage and prevent them is very good.

Section 14.1: seems to encourage "tenants" to "not care" and let responsibility fall to landlord

Remove fines, discriminatory on lower income

STAFF COMMENTS

Property owners are responsible for their property and must take reasonable steps to ensure Bylaws are complied with. When a property owner fails to take reasonable steps a fee may be charged to recover some of the costs associated with addressing the nuisance party (i.e. road closure costs identified in Fees Bylaw). An owner who did not condone the nuisance party would not be billed for the costs. When an owner is responsible, the City believes that particular owner, and not the taxpayers at large, should have to pay.

Section 14(4) talks about fees not fines. There is no issue of guilt or innocence with respect to fees. Municipalities do have the authority under the Municipal Act to add fees to property.

Proposed wording NO CHANGE

(1) The City may impose a fee or charge upon any person hosting a Nuisance Party and/or the owner of Premises where the Nuisance Party is held

NUISANCE PARTIES

Original wording

Section 14

(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.

PUBLIC COMMENTS

Subsections 14(1) and 14(2) do not define how the "fee or charge" will be determined. As written, this is an open ended cost that can later be determined by the City. How these costs will be determined should be detailed and quantified within the bylaw.

STAFF COMMENTS

Applicable fees would be identified in the City User Fees Bylaw. Section 14 provides for the collection of fees from individuals whose actions cause the City to incur clean up costs.

Proposed wording (No Change)

(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.

NUISANCE PARTIES

Original wording

Section 14

(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.

PUBLIC COMMENTS

Under Section 14 Nuisance Parties ... I liked every part of this section; I feel that it is important to hold the land owner accountable for their tenants.

This fails to address the "tenant party" issue. Care should be taken not to defer responsibility to the Landlord's tax roll. I suggest that tenant issues be discussed and clarified as this is the main issue in residential party disturbances.

Section 14.4 Should the City really put a "lean" on someone's property because of a party? No.

There must be a due process that falls within complies with the Landlord-Tenant Act

STAFF COMMENTS

Other sections are intended to address the tenant nuisance issue - sections 14(1), (2) and (3). This section 14(4) is to provide the City the ability to recover some costs (if required) in addressing nuisance parties where the owner is the cause.

Proposed wording (No change)

(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

Original wording

Section 15

Council hereby authorizes all Officers to enforce this by-law.

PUBLIC COMMENTS

Way too much power to by-law

Training, Guidelines and limits to discretion?

How can by-law officers and police officers administer/enforce with different training

By-law officers do not have same training as cops

By-law officers must meet Police Services Act Standards for training

By-law officers are not accountable to the public the way elected officials are

only concern would be staff enforcement, in some cases it takes more than 1 officer to breakup student parties, and am concerned about your bylaw enforcement staff, I trust that policies and procedures would be put into place and ensure the safety of your staff.

STAFF COMMENTS

Safety of staff and training staff would be paramount.

Bylaw Officers are accountable to their supervisors, Council and ultimately the public. There is expectation that they will remain unbiased and uphold the bylaws to the City's expectations and guidelines. As well, every charge is subject to challenge in Court.

Proposed wording (No change):

Council hereby authorizes all Officers to enforce this by-law.

ENFORCEMENT

Original wording

Section 22

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.

PUBLIC COMMENTS

Where does the authority to compel identification come from?
How is refusing ID and offense under this by-law?

STAFF COMMENTS

Police and Bylaw have different levels of authority to request identification under various legislation.

Proposed wording (No change)

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.

ENFORCEMENT

Original wording

Section 25

(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.

PUBLIC COMMENTS

A \$10,000.00 first offense fine is way out of the ballpark here and could not be upheld in any Canadian Court.

Under Enforcement 25. (1) and (2) do these points allow for any on-the-spot infraction tickets?

What minor offence has a \$10,000 fine? Too large

STAFF COMMENTS

All powers given to the City, including the maximum amount of fines, are given by the Province. The City is only exercising the powers already given to it under the Municipal Act. The City is unlikely to levy (nor is a court likely to approve) fines in the maximum permitted amount.

Upon conviction, fines are set by the Court in accordance with law. Set fines of a lesser value comparable to other Bylaw fines will be implemented. Set fines will be requested to provide for on-the-spot tickets.

Proposed wording (No change):

(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.