

**- ADDENDUM -**

**- Operations, Transit & Emergency Services Committee -**

**Council Chambers @ 5:00 p.m.**

**- March 18, 2013 -**

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**OTES-37 Public Nuisance By-law**

Delegations:

- David Sills, Guelph Civic League
- Matthew Pecore & Pepe Rodriguez, Central Student Association/Graduate Students' Association of the University of Guelph
- Ron Foley
- Barry Milner
- Devin Foley
- Keith Bellairs, Council of Canadians Guelph Chapter

Correspondence:

- Ron Foley
- Barry Milner
- Dave Parks
- D McCraney
- Wayne Huck
- Ivan Svarc
- Patrick Kubicki
- Braden Speers

March 14 2013  
City of Guelph Nuisance By Law (DRAFT)

Doug Godfrey  
Manager, Bylaw Compliance and Security Department  
Operations, Transit and Emergency Services

Dear Mr. Godfrey

I believe we need an explanation of what points in this proposed By-Law are presently covered under any existing By-Law. If so, why do staff feel these actions need to be duplicated?

We can then begin to comment of the balance of the proposed By-Law  
But seeing as we have a restricted time table I will comment on the following

### **Items (g) thru (i) -Conduct Affecting City Property**

Are these simply not a means of attempting to control the actions of a protest?  
Public comments to the first draft made it very clear that the right to public protest was not something the citizens of Guelph were far from willing to let go.

Attempting to control what happens during a peaceful protest by calling on manufactured by- laws under the premise of keeping our citizens safe is nothing but a ruse.

### **Item (j)**

Do we really see an issue with someone cooling off their feet in a fountain?  
If their actions get un-ruly, then I am sure there are other means of dealing with the situation. These are public fountains not sanctuaries.

....2

## **ADMINISTRATION**

### **(10 &12)**

First off

What permits would fall under this By-Law?

The interpretation of permit in this document refers to special events.

With that said,

No one person should have the authority to administer a By-Law with virtually no limitations.

No law should be left to any one individual to be allowed, at their sole discretion, to administrate, interpret, much less enforce.

Any law requires defined guidelines that can be followed and enforced.

## **ENFORCEMENT**

The Enforcement section of this draft is only second to the Administration section when it comes to vagueness and vast room for interpretation, much less the outlandish fines proposed with maximums ranging from \$10,000.00 for an individual to \$25,000.00 for a corporation.

Again I must ask, what the true purpose of this morphed By Law is.

If it is truly about out of hand parties as has been suggested, then lets deal with that directly and not cloud up the issue by attempting to drop in restrictions that would otherwise never fly.

I therefore ask the Council Committee to send this back to staff for a true re-draft, as we asked for last November.

I am also asking for additional Public Meetings including a Town Hall, that allows for questions dialog and open discussion.

Ron Foley

## Draft Public Nuisance By-Law Comments

I have been a resident of Steffler Dr. since 1980, when the street was first constructed. In the past few years we have seen our street transform from a friendly family neighbourhood to an absent landlord student rental street. There are 53 houses on our end of Steffler Dr. and there are now 20 rentals.

Parties can happen almost any time of day and if it is not one house it is another. It is not uncommon to have students return from the downtown bars and start to party at 3AM now. During the winter they keep the party inside, but when warm weather comes, I am sure it will move outside as was the case last fall.

The people that may object to this by-law by saying their rights are being violated are not considering those of us in Ward 5 that have put up with these issues. We also have rights and this by-law as written may help to level the playing field. It will give City staff the tools to work with. The by-law also will give the city the power to start charging the absent landlords and to level fines. When it starts to cost the landlords, they may start to pay more attention to the problems.

Like the absent landlord, I also have my house as an investment. The difference is, I live in my investment.

The city is losing control of Ward 5 and if steps are not taken, such as this by-law, you will never contain control. What are the families of Steffler to do, give up and sell off to the landlords and move out of the city where there are no student housing units.

It is out of control and steps need to be taken. Do not make anymore changes to this by-law and give us a reason to believe the city does want the area to remain what was perceived when it was developed.

We deserve this much as tax payers of the city and expect the support that is required.

Barry Milner

**From:** Dave Parks  
**Sent:** March 15, 2013 2:04 PM  
**To:** Doug Godfrey  
**Cc:** Clerks  
**Subject:** RE: City of Guelph draft public nuisance by-law update

To: Doug Godfrey

Thank-You so much so sending us a draft update of the public nuisance by-law. Because I work afternoons (3:15p.m - 11:30p.m.) I will be unable to attend the meetings that are scheduled for March 15, and March 18. I am so pleased that this by-law is in progress. It will be nice to bring back order and peace in the south-end. Just last week we had another incident where the student neighbors had a party and we caught two kids trying to break into my car. When we confronted them they gave us attitude. Really getting tired of this!!!!!!!!!! Please keep us updated if you can. Thank-You and everyone for there time and effort in making this by-law come to life.

Sincerely,

Mary and Dave Parks

**From:** Shirley & Doak

**Sent:** Friday, March 08, 2013 04:48 PM

**To:** Doug Godfrey; Andy VanHellemond; Bob Bell; Cam Guthrie; Gloria Kovach; Ian Findlay; Jim Furfaro; June Hofland; Mayors Office; Karl Wettstein; Lise Burcher; Maggie Laidlaw; Todd Dennis

**Cc:** editor@guelphmercury.com

**Subject:** RE: City of Guelph draft public nuisance by-law update

To Guelph city council and Guelph Mercury

On the face of much of this appears to be soft and would address SERIOUS problems or examples however very clearly the repeated issuance of no change notations with legitimate notations of concerns from consultation it is very disturbing to see again that there seems a refusal to consider concerns for implementing laws which provide law abiding citizens the potential to be at risk of fines and some quite serious .

I do not agree with most protests that occur including idle no more , the financial one a year ago and definitely anytime someone occupies city land to do so but there is a serious problem when government at any level puts excess barriers or illusions that permission is required to protest something . We are a free country still last time I checked and these subtle means of controlling what we can think , or associate with is a definite invasion of each of our freedom. None of this bylaw is necessary to control violence or occupation of city land . Cause I do not agree with these protests I simply would not try to make laws cause I do not approve of the message or to control the message ..

Example of course we don't not want anyone using or having dangerous weapons that intent is to commit crime . However there seems applied intent or ambiguity that some one who possesses a knife for example for whatever reason that has no plan of criminal intent could face by a simple call from a disgruntled neighbour who has issues to create a legal problem for an individual who may be headed off fishing or hunting . Or someone who legally owns firearms a neighbour disagrees with .. The slippery words such as designed for use indicates a possible use even though there is no intent could a person find themselves suffering a legal challenge by a disgruntled neighbour

The issues of nuisance parties this is simply way to liberal . I don t understand this year homecoming law enforcement shut down parties layed charges without any issues . So why again do we need to create further bylaws in this regard.

This is so obvious once again a neighbour with a bone to pick is going to use this against his neighbour and unfortunately we cannot rely on common sence or discretion by law enforcement where a citizen who may well have been having a backyard wedding a grandchilds birthday party or a gathering of friends . And to insinuate that somehow you need a permit to have an event on your own property just seems a bit much of an infringement .

The problem is that this all seems like its there for the "out of hand situations" so some citizens may think it's a good idea . This is simply an erosion of personal freedoms once again

If I had the confidence that our council would clean this up and not invade our personal freedoms ongoing like the motorcycle noise bylaw I would let it slide and ignore it as just foolish thinking . However past practice has shown that is never the case

Guelph seems intent on adding bylaws to where laws in place are plenty sufficient over and over again . \*I will certainly be a voice in next municipal elections to assist in invoking change to stop this further assault on discriminatory law creations and where private law abiding citizens do not fall further victim to state control of they're private property , and simple disagreement

My message to all who support this the time will come that something you feel true to is going to come up where our city will be putting controls on and you than will understand many of the comments made in opposition or questioning this

I hope our council will oppose this bylaw and finally show some leadership rather than continuing to attempt to create some sort of perceived utopia in someones mind and completely gut this or vote it down

D McCraney

**From:** wayne huck

**Sent:** Saturday, March 09, 2013 03:48 PM

**To:** Doug Godfrey

**Cc:** BEV RAWN; Christian Thomann; Andy Jennings; Barry Milner; Bernie and Wendy Mueller; Brett and Stacy Richardson; Jenny Van de Kamer; Kathryn Hofer; Norm and Lucille Lawrence; Susan Brown; Wayne Huck

**Subject:** Re: City of Guelph draft public nuisance by-law update

Doug, Thanks once again for all your assistance to our Neighbourhood Group and for spearheading this Bylaw. We are happy to see the nuisance part of the Bylaw being upgraded to properly deal with noise and nuisance complaints and we hope it will be strongly used by Police and Bylaw officers. We are saddened that the Section of Bylaw dealing with unauthorized gatherings was basically left out. Wasting my tax dollars cleaning up garbage left after these gatherings and protests certainly should anger me enough to vote for a new mayor with a bit more backbone.

Regards,  
Wayne Huck



**From:** Ivan Svarc  
**Sent:** Friday, March 08, 2013 08:57 AM  
**To:** Doug Godfrey  
**Subject:** Re: City of Guelph draft public nuisance by-law update

Good morninf Doug,

Thank you for the update on the proposed City bylaws. I have noticed under the section of "unreasonable noise" and the amended wording. This may indeed cover all sorts of undesirable and disturbing noise produced by any means. However, under "public coments" it should have read that at least one coment was received.

Best regards  
Ivan Svarc

**From:** Kubes70

**Sent:** Thursday, March 07, 2013 06:22 PM

**To:** Doug Godfrey

**Subject:** Re: City of Guelph draft public nuisance by-law update

Re nuisance parties ,,,

The clamping down on the landlords,homeowners and tenants ,must be on the first offense ,no more warnings.

.We in the south end are fed up with warnings.Everyone has been aware of the laws but if you are constantly handing out warnings ,they have no fear of acting like idiots

Is that going to change,NO MORE WARNINGS,then the message will get out

Patrick Kubicki

**From:** BRADY SPEERS

**Sent:** Thursday, March 07, 2013 05:38 PM

**To:** Doug Godfrey; June Hofland; Cam Guthrie; Karen.Farbridge; Bob Bell; Jim Furfaro; Andy VanHellemond; Ian Findlay; Maggie Laidlaw; Gloria Kovach; Lise Burcher; Leanne Piper; Todd Dennis; Karl Wettstein

**Subject:** Re: City of Guelph draft public nuisance by-law update

Although I have only glossed over this new draft, I have already noticed that, once again, many of the sections of this bylaw are already covered under Federal and Provincial legislation and need not be addressed in a bylaw. Further, the use of the term "City Land" is incorrect as the City does not own land nor can the city own land. The term "City Land" is actually referring to "Public Property". I would expect that our City will provide and maintain several public washrooms in all areas of the city within walking distance for all pedestrians. Otherwise, we will have to urinate on the ground and those who have been made homeless by our Federal and Provincial politicians will all be fined, jailed, ..., for being forced to urinate/defecate outside?

In my view, this whole bylaw should be scrapped as the City has no ability or authority to create bylaws for things for which laws have already been created. It is a very transparent attempt at silencing the public, controlling the public, and discriminating against the homeless and pedestrians (which is illegal). You see, the City is entirely accountable here. It serves no-one to continually create bylaws. It serves everyone if the City identifies issues and addresses them in positive ways as is City Council's job (i.e. providing public washrooms, providing space for activism, and promoting the **Universal Declaration of Human Rights and Freedoms** which is law in this country).

The key word for City Council here is "provide" rather than legislate. The City's job is to manage the business of the city, not to regulate the public to death. Scrap the bylaw and get on with business because, again, the bylaw is unenforceable and serves only the City and not the Public. There are, admittedly, public nuisances and there are already laws in place to deal with them. Let's not try to create law under the guise of a bylaw. No further drafts; no further debates - just scrap this nonsense and move on.

Thanks for the opportunity for input.

Braden Speers.