



TO:	COMMUNITY AND PROTECTIVE SERVICES FEBRUARY 22, 2017
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	PUBLIC NUISANCE BY-LAW : USE OF ROOFS / SOCIAL GATHERINGS

RECOMMENDATION

That on the Recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, an amendment to the Public Nuisance By-law (attached hereto) **BE INTRODUCED** at the Municipal Council Meeting on March 2, 2017, noting that the amendment will add the activity of social gatherings on roofs a activity which may initiate enforcement actions in response to a Nuisance Party occurrence.

PREVIOUS REPORTS

April 2, 2012 – Report to Public Safety Committee – Public Nuisance By-law - PPM
 May 10, 2012 – Report to Public Safety Committee – Public Nuisance By-law

BACKGROUND

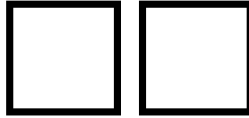
On May 22, 2012, Municipal Council passed a Public Nuisance By-law to address the issue of nuisance parties. The impetus of the by-law was the St Patrick’s Day occurrence on Flemming Drive where several parties, largely fueled by riotous behaviour, spilled onto the streets and caused damage to both private and public property. Numerous persons were criminally charged and convicted. The intent of the Public Nuisance by-law is to provide London Police Service and Municipal Law Enforcement the tools to address the behaviour of large gatherings of persons on private property to avoid large scale riots.

A “Nuisance Party” is defined as :

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

- (a) disorderly conduct;
- (b) public drunkenness or public intoxication;
- (c) the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- (d) the deposit of refuse on public or private property;
- (e) damage to or destruction of public or private property;
- (f) pedestrian traffic, vehicular traffic, or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
- (g) unreasonable noise, including loud music or shouting;
- (h) unlawful open burning or fireworks;
- (i) public disturbances, including public brawls or public fights;
- (j) outdoor public urination or defecation.

Enforcement of the by-law is at the discretion of the enforcement officer (LPS or MLEO), subject to the officer having reasonable and probable grounds to believe an offence has occurred. The purpose of this amendment is to address the issue of social gatherings on roofs. This has become a trend in near campus neighbourhoods not only in Canada but also in the US. This behaviour has recently been given a slang term of “brewfing” - the act of sitting on a roof and drinking beer. The term originated as a result of a roof collapse at a St Patrick’s Day celebration at a California University where dozens of people fell through a roof when the roof



caved due to the number of persons on the roof socializing. Over the last number of years at various gatherings in near campus neighbourhoods in London, LPS Officers and MLEOs have observed persons socializing on roofs (predominately slanted roofs of single detached dwellings).

During the 2016 homecoming events in the near campus neighbourhood surrounding Western University, LPS Officers and MLEOs attended 15 occurrence of roof top parties. Social gatherings on roofs (slanted or flat) create a potentially dangerous condition of roof collapse as the roofs are designed for a certain snow load and not for public assembly. With slanted roofs and flat roofs with no guard rail systems, there is always the potential of a slip and fall causing bodily harm.

The purpose of this amendment is to add to the definition of Nuisance Party the activity of social gatherings on a roof. This additional activity will be assessed together with the previous defined activities such as disorderly conduct and public drunkenness to determine if a gathering on a property can be determined to be a Nuisance Party. Once an Officer has made this determination, they have the discretion to take a number of actions ranging from warnings to ordering to discontinuance of the nuisance activity to Part 3 charges (court summons). A Part 1 charge for a Nuisance Party is \$750 plus victim surcharges.

PREPARED BY:	SUBMITTED BY:
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