

\TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON APRIL 1, 2019
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	UNSANCTIONED AND UNSAFE STREET PARTIES POLICY AMENDMENTS PUBLIC NUISANCE BY-LAW : COST RECOVERY PUBLIC PARTICIPATION MEETING

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the attached proposed by-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council Meeting on April 9, 2019 to amend the Public Nuisance By-law to introduce cost recovery provisions, an increased maximum fine of \$25,000 and housekeeping amendments.

PREVIOUS REPORTS

Unsanctioned and Unsafe Street Parties – Community and Protective Services Committee – February 20, 2019

BACKGROUND

What is the current state of affairs?

In September 2018, approximately 20,000 people engaged in an unsanctioned street party in the near campus-neighbourhood just south of Western University (“University”) on Broughdale Avenue and surrounding streets. This event was not sanctioned by either the University or the City of London (“City”). Multiple agencies and first responders were engaged in a coordinated response to this unsanctioned event. All agencies involved in this event scheduled additional staff resources. There was significant risk to the attendees, first responders and on ground agency personnel. During the 2018 event, 57 persons were hospitalized several with serious injuries. In fact, the whole community was impacted as streets are closed, and the amount of first responder dedication to the event impacts community wide emergency call response.

The cost of first responders related to this event exceeded \$200,000. The public and private costs related to the “after party” debris and property damage are extensive.

The issue of unsanctioned street parties is not only a London problem. The annual “Ezra Street Party” in Waterloo on St. Patrick’s Day attracted 22,000 persons in 2018 and an estimated 30,000 persons in 2019. First responder costs for the 2018 event exceeded \$700K, and are expected to grow beyond this figure for the 2019 event. These increasing costs to address unsanctioned events on public property are unsustainable. Public and community safety is the paramount focus at these occurrences.

Since September 2018, what consultation was undertaken?

In an effort to explore all opportunities related to controlling unsanctioned street parties, Civic Administration carried out a variety of wide-ranging research, telephone conferences, community and municipal outreach and collaborative efforts with several first responder agencies, City departments and Western University.

An imperative part of the process included exploring the numerous changes and approaches that other municipalities and educational facilities have undertaken relating to unsanctioned events. The following is a summary of examples of the processes, policies or by-laws that were either implemented or amended:

- In 2016, Pitt Meadows, British Columbia created a By-law to regulate, abate and prohibit nuisances within the boundaries of the City of Pitt Meadows and provide for the cost recovery of abatement nuisances. As a result, the City may impose the costs of abating a nuisance on one or more of the following: a person causing the nuisance, the occupier of land from which the nuisance occurs or the owner of land from which the nuisance originates.
- In March 2019, Newark, Delaware City Council passed a by-law targeting unruly social gathering as a response to events such as St. Patrick's Day, which is historically a disorderly day at the University of Delaware. In Newark, an unruly social gathering is defined as any assemblage of four or more people on a private property where police observe at least three behaviors that threaten health, safety, and quiet order. Traditionally some of these behaviors have included public intoxication, blocking public rights of way, public urination or trespassing. The social gathering can also be addressed if there is excessive litter on the lawn and people on the roof. The new legislation allows police to give the hosts or organizers of a party with as few as four people a citation that would require a fine and community service. First-time offenders are required to pay \$500 and complete 20 hours of community service. The penalties increase with each offense: \$1,000 and 32 hours for a second offense, \$1,500 and 48 hours for a third offense and \$2000 and 60 hours for each subsequent offense.

A number of American universities including Penn State, Pennsylvania State College, Colorado University and post-secondary institutions in Michigan State have implemented changes to their student of code of conduct in response to serious criminal off-campus issues that have included riots.

- Providing the university with information on all the criminal violations involving students so that potential code violations can be applied
- Students convicted of a rioting offense are immediately suspended for one year
- Any visiting friend of a university student from another nearby institution also must obey the law or find themselves denied entry into any Michigan state-funded educational institution

There were no criminal charges laid against students in connection with Broughdale. London Police Services issued 134 provincial offence notices, such as having open liquor in public or public urination. The names of the Western students charged with these provincial offences cannot be released to the University due to privacy reasons.

On the proactive side, in response to a shooting at a Sunnyside block party, located close to the University of West Virginia ("University"), in 1995 the University took over that unsanctioned event. The university was granted temporary jurisdiction over that area of the block party and changed the Sunnyside block party into the University's Fall Festival, which continues to attract thousands of students to a controlled, safe and fun event. Those who are found guilty of code violations could potentially be expelled. Collaboration between the University, police and the city over several years was necessary to change the culture.

On February 15, 2019, more than 50 representatives from nine Ontario universities (Brock, Carleton, Guelph, Laurier, McMaster, Ottawa, Queen's, Waterloo, Western), several municipalities and police services met at Wilfrid Laurier University for a day-long conference to discuss common challenges and the most effective responses to unsanctioned street gatherings. Representatives discussed a variety of issues, including the safety and security of students and community residents, the burden placed on EMS, hospitals and emergency responders, and the public financial cost required to provide adequate public safety. The strong attendance was a clear demonstration that the occurrence of unsanctioned street gatherings is a common challenge for many universities/colleges and communities.

On February 25, 2019, the City of London, in collaboration with Western University and the Western Students Council, hosted a community meeting where approximately 60 members of the public attended. The purpose of the meeting was to obtain community feedback on ideas surrounding communications, compliance and alternative programming related to unsanctioned street parties. Presentations were also provided by the City of London and Western University which included communications that both are extremely committed to working together to help resolve the issues relating to unsanctioned street parties.

On March 6, 2019 Civic Administration in collaboration with Western University and the Western Students Council, presented to the Town and Gown Committee on the issue of shifting cultural behavior with regards to these events.

What City by-laws are applicable to unsanctioned street parties?

The following is a list of current by-laws which may be relevant to unsanctioned street parties:

- Streets
- Public Nuisance
- Yard and Lot Maintenance
- Property Standards
- Sound
- Parking

Civic Administration reviewed all of the above with the exception of the Public Nuisance By-law, no amendments are required to strengthen any regulations applicable to addressing unsanctioned street parties. However, Civic Administration will be applying to the Regional Senior Justice pursuant to the provisions of the Provincial Offences Act to increase set fines for several of the above by-laws. For example, the fine for conducting activity which interferes with the use of a street is \$150. A set fine request of \$450 is under consideration. The fine for hosting a nuisance party is \$750. A set fine request of \$1000 is under consideration. The fine for depositing refuses on municipal property is \$175. A set fine request of \$300 is under consideration.

What amendments are proposed for the Public Nuisance By-law?

In May 2012, City Council passed the Public Nuisance By-law ("By-law") to prohibit and regulate public nuisances. One of the main issues addressed by the By-law, are large social gatherings on public or private property. These gatherings result in activities such as, but not limited to:

- Disorderly Conduct
- Public Intoxication
- Interference with Emergency Services
- Unreasonable Noise
- Public Urination
- Unsafe use of Roofs

Gatherings with these activities may be determined to be a nuisance party.

The By-law contains a prohibition that no person shall sponsor, conduct, continue, host, create, attend, allow cause, or permit a nuisance party. Since the by-law was passed, numerous persons have been convicted under the Public Nuisance By-law.

There are several amendments recommended to the Public Nuisance By-law.

Definitions

There is currently no definition of the Chief Municipal Law Enforcement Officer (MLEO). This is a housekeeping amendment which will clarify the role of the Chief MLEO.

Nuisance Parties – Cost Recovery

The Municipal Act provides municipalities the authority to direct or require a person to do a number of things, and if the person does not comply with the direction, the City may do so at their expense (refer to section 446 of the Municipal Act). This section is used in the Yard and Lot Maintenance By-Law, the Fire Services By-Law, and the Municipal Waste and Resource Materials Collections By-Law. The Municipality can recover costs in the same manner as property taxes.

Civic Administration recommends that a very similar approach be considered for the Public Nuisance By-Law. The attached amendment puts the onus on the owner/occupant/tenant to take reasonable actions to prevent, end, and clean up after a nuisance party as directed. The amendment lists some possible actions contemplated such as hiring security, extinguishing fires, requiring persons to exit roofs and reducing sound. If directed to take actions, and the owner/occupant/tenant does not comply, then the City can take those actions and recoup its costs by action (tenants) or by adding the costs to the tax roll (owners).

The City will not seek to recover costs where the person demonstrates to the City's satisfaction that the person took all reasonable actions to prevent a nuisance party. In the case of a property owner, the City will not seek to recover costs if the property owner reasonably attempted to prevent a nuisance party from occurring on their property. This may include attending the property or hiring a security guard and communicating with the tenants not to host a nuisance party. The City does not wish to invoice reasonable property owners for the actions of their tenants. However, where an absentee landlord, for example, takes no action to prevent, end or clean up after a nuisance party, they may be subject to invoicing.

In the case of tenants, if they were not hosting a party, yet their property was occupied by persons who were not invited onto their property (i.e. trespassing, overflow from adjacent properties or public street), those tenants would not be invoiced.

The City has been in contact with the London Property Management Association (LPMA) representative on the Town and Gown Advisory Committee on this issue. They have indicated that if a landlord receives an invoice for property clean up after a large party, the landlord may pass the invoice onto the tenant as property damage. The LPMA is concerned with invoices to landlords whose tenants are not hosting any parties yet spillover effects occur. The City concurs with this concern and would not invoice in this situation.

Penalties

The Public Nuisance By-law contains penalties for violations. The maximum fine is \$10,000. Generally, upon conviction, the Prosecutor seeks a percentage of maximum fine. For recurring offences, the general process is to request escalating fines. Civic Administration recommend that the maximum fine for nuisance parties be increased to \$25,000. This value is in line with other City by-laws for maximum fines against persons.

What policy changes is Western University Administration proposing?

As part of the work of the policy team, a review is underway of Western's Code of Student Conduct ("Code"). A committee, which includes graduate and undergraduate students, staff, and faculty representatives, will be focusing on an amendment to Section C of the Code, which outlines the current code's scope and jurisdiction of authority.

Besides the review of the code, Western has formed an internal working group composed of senior university staff and student governments to assess steps which the university has taken in the past, and to identify other strategies that could be utilized in 2019. This includes fencing, hiring additional security for both the campus and the near-neighbourhood, door-to-door visits to the houses of students living in the Broughdale area, encouraging them to be good neighbours, and providing information on the potential consequences of legal and by-law infractions for nuisance parties. This working group is also researching actions that have been taken by other universities that have had a positive impact.

What alternative activities are being planned by the University Students' Council?

The University Students' Council (USC), in partnership with Western, is aiming to deliver the second annual PurpleFest on campus for September 28th, 2019. This is the first time, in the duration of the unsanctioned street party phenomenon on Broughdale, that multi-year large-scale programming has been undertaken by the USC and Western as a commitment to establishing safe alternative programming for the student body.

Last year, the USC sold over 11,000 tickets, indicating that there is significant buy-in from the students that they are seeking and are interested in programming of this scale. The University and Students' Council recognizes that there were tangible successes in hosting PurpleFest 2018, but they also acknowledge that there is more work to be done to develop consistent programming that will effectively counteract the competing spectacle that currently exists on Broughdale.

As a result of numerous joint community conversations, the USC were able to host a successful event in 2018. The University is aware that it is imperative that these community conversations continue. To facilitate this dialogue the University is incorporating feedback into the planning considerations for PurpleFest 2019. This includes, but is not limited to: analyzing a venue change; solidifying a clear launch plan, including ticket sales; student feedback; and assessing how to utilize student interest to create strategic educational messaging. With these areas of improvement in mind, The USC and Western are aiming to deliver higher quality, higher impact, and most importantly, safer alternative programming to the Western student body.

What continuous community consultations are planned?

Civic Administration recognize that solutions to this issue will continue to evolve. As such, there will be continued consultation, both locally with community involvement on policy matters, and nationally / internationally with the assistance of the Town and Gown Association of Ontario (TGAO) and the International Town and Gown Association (ITGA). In June 2019, approximately 200 delegates will be meeting at Brock University to discuss a number of Town and Gown issues. One of the topics of discussion will be unsanctioned street parties, with a focus on the role of social media and cost recovery.


Locally, the Communications Office will set up a "Get Involved Media" link in consultation with Western Communications. This portal allows for learning about issues and providing feedback. Community engagement is the process of meaningful two-way dialogue and participation, which lead to solutions to community issues. The "Get Involved London" process is transparent, inclusive, responsive, and fair, it is based on achieving reasonable expectations

through mutual respect and trust. Civic Administration is always available to citizens who wish to discuss solutions in an informal format.

CONCLUSION

Civic Administration and its first responder partners, the near campus community, University/College Administration and Student Councils are concerned with unsanctioned street parties. The growth in the number of participants (including out of town partakers) and the sheer density of the crowd has created an extremely dangerous gathering. No one agency can amend its regulations, policies and procedures and independently resolve this issue; solutions must focus on behavioral changes and immediate incremental changes from all stakeholders.

In addition to this report focussing on amendments to the City's Public Nuisance By-law, a summary of actions proposed by Western Administration with respect to the Code of Conduct and Western Student Council on alternative programming is outlined in this report.

PREPARED BY:	RECOMMENDED BY:
	
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