

Appendix 'A'

Bill No.
2019

By-law No.

A By-law to amend By-law PH-18 entitled,
"A by-law to prohibit and regulate public
nuisances within the City of London."

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

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001* provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 10 respecting a matter may (b) require persons to do things respecting the matter;

AND WHEREAS subsection 10 of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and may pass by-laws respecting the following matters: 6. Health, safety and well-being of persons; 7. services and things that the municipality is authorized to provide; 8. Protection of persons and property; 10. Structures;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that, if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may enter upon land at any reasonable time, and that the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the City's Inspections By-law provides for rights of entry to determine whether the following are being complied with: by-laws passed under the *Municipal Act, 2001*; a direction or order of the City made under the *Municipal Act, 2001*; a condition of a licence issued under a by-law of the City passed under the *Municipal Act, 2001*; and an order made under section 431 of the *Municipal Act, 2001*;

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

1. By-law PH-18 is amended by adding a new definition for "Chief Municipal Law Enforcement Officer" in section 1, as follows:

"Chief Municipal Law Enforcement Officer" means the City of London's Chief Municipal Law Enforcement Officer, or designate;

2. By-law PH-18 is amended in subsection 5(1) by deleting the phrase "City's Manager of Licensing and Municipal Law Enforcement Services" and replacing it with the phrase "Chief Municipal Law Enforcement Officer".
3. By-law PH-18 is amended by inserting a new section 4A after section 4, as follows:

"4A. Take Necessary Actions to Prevent, End or Clean Up After Nuisance Party"

4A (1) Every owner, occupant or tenant shall take all reasonable actions to prevent a Nuisance Party, end a Nuisance Party, and clean up after a Nuisance Party.

(2) Every owner, occupant or tenant shall take all reasonable actions to prevent a Nuisance Party, end a Nuisance Party, and clean up after a Nuisance Party, as directed by any of the Chief of Police, the Chief Municipal Law Enforcement Officer, or Fire Chief or designate.

(3) For greater certainty only, the actions contemplated in (a) and (b) above include but are not limited to: hiring security personnel to prevent persons who do not live at the Premises from entering the Premises; requiring persons who do not live at the Premises to leave the Premises; preventing or extinguishing fires; preventing or extinguishing firecrackers, fireworks and pyrotechnics; preventing a fire from spreading; requiring people to leave roof and other structures and contracting for any special equipment for same; renting special equipment; preserving property; eliminating or reducing unreasonable sound; providing specialized rescue services; controlling and eliminating an emergency; preventing damage to equipment owned by or contracted to the City; making safe an incident or Premises; reducing crowd size at Premises; removing debris and garbage including plastic cups, cans and bottles.

4. By-law PH-18 is amended by inserting a new subsection 7(3) after subsection 7(2) as follows:

Failure to Comply - done by City - at expense of person required to do it

(3) Where any thing required to be done in accordance with this by-law is not done, the Chief Municipal Law Enforcement Officer may do such thing at the expense of the person required to do it, and such expense may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. For the purposes of this subsection, the municipality may enter upon land at any reasonable time. The City will not seek to recover costs under this subsection where the person demonstrates to the City's satisfaction that the person took all reasonable actions to prevent the Nuisance Party.

5. By-law PH-18 is amended in section 8 by deleting the amount "\$10,000" and replacing it with the amount "\$25,000".

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

PASSED in Open Council on _____, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -