

Bill No. 317
2019

By-law No. PH-18-19_____

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 sections 391 through 398 of the *Municipal Act, 2001* authorize a municipality to impose fees and charges on a person (a) for services or activities provided or done by or on behalf of it; (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and (c) for the use of its property including property under its control; and such amount may be added by the treasurer to the tax roll to the property to which the service or thing was supplied for the supply of a service or thing to a property;

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. NUISANCE PARTY – REMEDIAL COSTS – FEES

4A Take Actions to End Nuisance Party

4A.1(a) Every person who sponsors, conducts, continues, hosts, creates, or causes a Nuisance Party shall take all reasonable and lawful actions to end a Nuisance Party.

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

4A.1(b) Where any thing required to be done in accordance with subsection 4A.1(a) is not done, the municipality 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.

Fees and Charges

4A.2 In addition to any remedial costs or other fees or charges, the following fees or charges relating to Nuisance Parties may be imposed on a person who sponsors, conducts, continues, hosts, creates, or causes a Nuisance Party:

- (a) fee for the attendance of a London Fire Prevention Officer at the scene of a Nuisance Party: \$70.00 per officer, per hour (or part thereof);
- (b) fee for the attendance of a London Police Services Officer at the scene of a Nuisance Party: \$60.00 per officer, per hour (or part thereof);
- (c) fee for the attendance of a Municipal Law Enforcement Officer at the scene of a Nuisance Party: \$50.00 per officer, per hour (or part thereof).

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

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

PASSED in Open Council on August 27, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 27, 2019
Second Reading – August 27, 2019
Third Reading – August 27, 2019