

Committee of the Whole (2) Report

DATE: Tuesday, March 19, 2024

WARD(S): ALL

TITLE: CAR RALLIES

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Staff seek to strengthen the regulatory framework and enforcement provisions with respect to unauthorized car rallies in the City through by-law amendments to the City's Special Events and Noise Control By-laws. Through additional enforcement tools and coordinated enforcement efforts, staff and police will be better equipped to address unpermitted car rallies and associated nuisances within the City of Vaughan.

Report Highlights

- Unpermitted/unauthorized car rallies in the City of Vaughan have been a nuisance to residents and businesses.
- This report aims to strengthen enforcement regulations around unauthorized car rallies in the City by adding provisions and new definitions to Special Events By-law 045-2018, to prohibit any participation in unauthorized car rallies (including sponsoring, conducting, advertising, spectating, riding as a passenger, having a car present, being a vendor at an unpermitted car rally, etc.).
- This report also recommends adding relevant provisions to Noise Control By-law 121-2021, which establish specific offences for noise generated from unauthorized car rallies and corresponding higher administrative penalties for these offences.
- This report further identifies an enhanced partnership with York Regional Police that would allow York Regional Police Officers to issue Administrative Monetary Penalty Notices.

Report Highlights continued

- A comprehensive and collaborative public education campaign will be developed to inform the public that unauthorized car rallies are not welcome in our community and will be targeted with a proactive communication effort followed by a coordinated enforcement response to any violations found.

Recommendations

1. THAT the City's Special Events By-law 045-2018, as amended, be further amended in a manner satisfactory to Legal Services, to regulate and prohibit unauthorized car rallies in the City of Vaughan, and establishing administrative monetary penalties related to these offences;
2. THAT the City's Noise Control By-law 121-2021, as amended, be further amended in a form satisfactory to Legal Services, to prohibit noise generated from unauthorized car rallies, creating corresponding administrative monetary penalties for such offences, and increasing the amount of administrative monetary penalties for causing or permitting unnecessary noise from the vehicles more generally;
3. THAT Council authorize the proposed by-law amendments in this report, and any other necessary by-law amendments that may be required, in a form satisfactory to Legal Services; and
4. That the Deputy City Manager, Community Services be authorized to execute any agreements or authorizations, as or if required for the necessary access by York Regional Police to utilize the City's Administrative Monetary Penalty Program, in a form satisfactory to Legal Services.

Background

Vaughan is a City of diversity, social inclusion, award winning public events, well-being, public safety and an exceptional quality of life. The City thrives on attracting, producing and supporting safe public-oriented social and cultural events throughout the year.

Over the past number of years, Vaughan has witnessed numerous unauthorized and unlawful car rallies, resulting in a great number of reported complaints and concerns from residents, business owners, property owners, enforcement services and police. Investigative efforts suggest that almost all cases of these unpermitted car rallies occur quickly and unexpectedly and are often promoted across social media channels, such that deterrence and prevention has proven challenging. These unauthorized rallies are carried out on private property without owners' approvals, notwithstanding efforts made by private property owners to discourage and prevent these activities on their properties. Such events not only create disruption to local businesses, nuisance and noise issues, but due to the presence of reckless driving, street racing and

stunting, can create serious risks to public safety in the City. There are often a large number of attendees, and activities occurring (such as dangerous driving, stunt driving, unauthorized sales of good from unlicensed vendors, discharge fireworks, mischief to police vehicles/private property, obstruct peace officer, assault peace officer/resist arrest and many other provincial and federal statute violations) have resulted in disorder and nuisance in our community, leading to a determination by staff that the best approach is a strengthened enforcement response and control of access to properties.

Since September 2022, and to date, the City's Enforcement Services Division, a division of By-law & Compliance, Licensing & Permit Services ("BCLPS"), has issued 1,066 administrative monetary penalty notices related to noise resulting from unauthorized car rallies in Vaughan. These illegal events not only endanger public safety, but also are a resource-intensive and costly nuisance both for the City and York Regional Police, as well as take enforcement and police attention away from other important community needs.

Staff have identified that, in York Region, these issues appear to be mostly limited to Vaughan, while some of them have appeared in Markham just recently. While consulting with York Regional Police, and regardless of the previous and continued targeted efforts, time and resource commitments made, staff anticipate that the 2024 season will likely be no different than 2023 in terms of the volume of such unauthorized events.

Previous Reports/Authority

- [Special Events By-law](#) (approved by Council on May 1, 2019)
- [Noise Control By-law](#) (approved by Council on September 27, 2021)

Analysis and Options

Since its introduction in 2008, the administration of the City's Administrative Monetary Penalty ("AMP") program has proven its effectiveness, offering an administrative alternative to the traditional Provincial Offences/Ontario Court of Justice process.

While the issuance of over 1000 AMPs Notices relating to unauthorized car rallies since 2022 reflects a clear demonstration of the level of commitment made by the City's Enforcement Services Division and York Regional Police to deter continuation and reoccurrence of future unlawful car rallies, the current process that requires utilization of evidence provided by the investigating police officers as witnesses to the offence, with the issuance of the AMPs Notice being completed by enforcement officers after the fact, is time, labour and resource intensive.

In exploring how to better leverage the effectiveness of the City's AMP program with the City's Legal Services Department and York Regional Police, it was determined that expansion of the program to allow police officers to issue AMPs notices directly would create efficiencies in time, labour and resources for both the City's Enforcement Services Division and York Regional Police. Staff are currently working closely with the City's Legal Services Department and York Regional Police to address implementation accordingly.

Staff have undertaken a jurisdictional scan for approaches taken by other municipalities. Wasaga Beach created a separate Car Rally By-law to address a large unpermitted car rally that occurred in the municipality each year; Wasaga used this by-law to obtain a statutory injunction to shut down the car rally and close roads, as needed. Other municipalities address this issue through their existing by-laws (Special Events and Noise By-laws). For example, the Township of Mulmur has a Special Events By-law that prohibits unauthorized motor vehicle racing and car rallies. Most municipalities (such as Toronto, Richmond Hill, Windsor, East Gwillimbury and Whitby), however, would only address unnecessary motor vehicle noise, such as squealing of tires or revving on engines in their Noise By-laws. Markham, Ottawa and Kingston prohibit unauthorized racing through their Noise By-law.

On the basis of analysis of regulations from other municipalities, internal review and discussions with Legal Services Department and Enforcement Services, as well as external meetings and discussion with York Regional Police, staff are proposing amendments to Special Events By-law 045-2018 and Noise Control By-law 121-2021 to provide greater public safety.

Recommended amendments include:

Special Events By-law:

- defining "car rally", "stunt", "contest", "passenger", "street-takeover" and "spectator";
- prohibiting sponsoring, collecting money for, conducting, coordinating, facilitating, assisting, advertising, hosting, creating, causing, permitting, participating in or being a vendor at a car rally in the City without a Special Event Permit;
- setting up administrative monetary penalty amounts for the breach of these provisions as \$1000 for the first offence and \$2000 for any subsequent offences;
- prohibiting being a spectator or a passenger at a car rally with a breach of these provisions being set up as \$500;

- granting additional enforcement powers to municipal law enforcement officers, police services and fire personnel;
- introducing a presumption clause which states that the registered vehicle owner is presumed to have permitted his or her vehicle to participate in a car rally and shall be responsible for the breach of these provisions as well; and
- granting enforcement officers the power to temporarily close roads for the purpose of upholding the by-law.

Noise By-law:

- creating offences for emitting, causing or permitting noise from unauthorized car rallies;
- creating corresponding administrative monetary penalties for such offences as \$1000 for the first offence and \$2000 for any subsequent offences;
- defining “car rally”.

York Regional Police has confirmed its commitment to work collaboratively with the City to enforce the new by-law provisions. Included as Attachment 1 is a letter from York Regional Police confirming its commitment to enforcement. York Regional Police will also be provided the necessary software upgrades to integrate with City systems to issue penalty notices. These proposed amendments will provide greater tools for Enforcement Services and York Regional Police to more effectively address unauthorized car rallies in the City.

Communications Plan & Signage Strategy

In the course of consultations involving York Regional Police, the City’s Communications, Marketing and Engagement Department and Legal Services, staff have developed a collaborative public education campaign on this matter, which will advise the general public of the risks of attending, that these illegal activities are not welcome in our community and will be targeted with a proactive communication effort.

In addition, staff are developing a template for signs that private property owners can have printed and put up on their properties indicating that unpermitted car rallies are not authorized to be on private property.

Financial Impact

The cost associated with the implementation of the recommendations contained within this report, including costs for the expansion of the City’s Administrative Monetary Penalty program for use by York Regional Police, is estimated at approximately \$10,000, which will be absorbed through the City’s 2024 operating budget accordingly. Revenues collected through this expansion will be used to offset current and future costs of the program.

Operational Impact

In the course of preparation of this report, BCLPS consulted with Legal Services and the Communications, Marketing and Engagement Department.

Broader Regional Impacts/Considerations

As detailed throughout this report, extensive consultation has taken place with York Regional Police to develop an effective, collaborative approach to mitigating nuisance and risk of harm associated with unauthorized car rally events in the City. Staff will continue to work alongside enforcement partners across York Region.

Conclusion

Due to increased occurrences of unauthorized car rallies, the tendency of these activities to increase in volume throughout the summer season, the amount of attendees at these events, as well as the risks, nuisances and public safety concerns, staff recommend amending the City's by-laws to strengthen regulatory and enforcement provisions with respect to these matters. Also, staff recommend developing and introducing a coordinated communication effort with York Regional Police with the objective of clearly communicating that unauthorized car rallies are not welcome in our community, targeted with a proactive communication effort followed by a coordinated enforcement response to any violations found.

For more information, please contact: Susan Kelly, Chief Licensing Officer and Director of By-law and Compliance, Licensing and Permit Services, ext. 8952

Attachments

1. Correspondence from York Regional Police

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