

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 124-2024

A By-law to prohibit public *Nuisances* on *Public Property* and *Public Places* within the *City of Vaughan*, and to repeal the current Nuisance By-law 195-2000.

WHEREAS section 128(1) the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act*") states that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS *City Council* deems it advisable to have a by-law which addresses *Nuisance on Public Property and Public Places*;

AND WHEREAS *City Council* deem it advisable to replace the *City of Vaughan's* Nuisance By-law 195-2000, to update and further clarify what constitutes a nuisance;

AND WHEREAS it is the opinion of *City Council* that the actions described in this By-law are or could become or cause public nuisances;

AND WHEREAS section 434.1 of the *Municipal Act* provides that a municipality may require a *Person* to pay an administrative penalty if the municipality is satisfied that the *Person* has failed to comply with a by-law of the municipality;

AND WHEREAS section 429(1) of the *Municipal Act* provides that a municipality may establish a system of fines for a by-law passed under the Act;

AND WHEREAS section 436(1) of the *Municipal Act* provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

AND WHEREAS section 446 of the *Municipal Act* provides that a municipality may proceed to do things at a *Person's* expense which that *Person* is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE the Council of The Corporation of the *City of Vaughan* enacts as follows:

1.0 Short Title

- (1) This by-law shall be known and referenced as the “*Nuisance By-law*”.

2.0 Applicability and Scope

- (1) This by-law applies to all *Public Property* and *Public Places* in the *City of Vaughan*.

3.0 Definitions

- (1) In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(4) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (3) Any reference to a statute, regulation, by-law or other legislation shall include such statute, regulation, by-law or legislation as amended, re-enacted, replaced, or superseded.

- (4) For the purposes of this by-law:

“Administrative Monetary Penalties By-law” refers to the Administrative Monetary Penalties By-law 063-2019;

“Aggressive Manner” means a manner that is likely to cause a reasonable *Person* to be concerned for his or her safety or security;

“City” means the Corporation of the *City of Vaughan*;

“Community Safety and Policing Act” refers to the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*;

“Designated By-law” has the same meaning as in the *Administrative Monetary Penalties By-law*;

“Enforcement Officer” means a *Person* appointed by the Council of the *City* as a Municipal Law Enforcement Officer, pursuant to section 15 of the *Police Services Act* or section 55 of the *Community Safety and Policing Act*, to enforce the provisions of this By-law, or a sworn member of York Regional Police, Ontario Provincial Police, or

the Royal Canadian Mounted Police;

“Highway” includes a common and public *Highway*, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of *Vehicles* and includes the area between the lateral property lines thereof;

“Loitering” means the lingering or hanging around with no purposeful activity or obstructing or making difficult the passage of *Persons*;

“Municipal Act” refers to *Municipal Act*, 2001, S.O. 2001;

“Nuisance” means activities which disturb or are likely to disturb *Persons*, and includes any one or more of the following activities:

- (a) soliciting in an *Aggressive Manner*;
- (b) threatening the *Person* solicited with physical harm, by word, gesture or other means, during the solicitation or after the *Person* solicited responds or fails to respond to the solicitation;
- (c) while on a *Roadway* soliciting a *Person* who is in or on a stopped, standing or parked vehicle;
- (d) disposing of any of the following things outdoors:
 - (i) a used condom;
 - (ii) a new or used hypodermic needle or syringe;
 - (iii) broken glass;
- (e) shouting, screaming, or making unusual noises;
- (f) ringing of bells, sounding of horns, blowing of whistles, squealing of tires, revving of engines;
- (g) the playing of music or any other noise that disturbs or is likely to disturb the occupants of a dwelling;
- (j) spitting, urinating or defecating somewhere other than a washroom facility;
- (k) obstructing the passage of pedestrians thereby rendering passage impassable or difficult;
- (l) the creation of discomfort, disturbance or confusion for members of the public, pedestrians, the occupants of a dwelling, or to passing motorists;
- (m) *Loitering* after being ordered to move by an *Enforcement Officer*;

- (n) *Loitering*, remaining in or refusing to leave a *Public Place* or *Public Property* after it is closed;
- (o) the use of offensive language or gestures;
- (p) the harassment or the intimidation of another *Person* or *Persons*;
- (q) willfully causing damage to *Public Property*;
- (r) the use of *Public Property* or *Public Place* for something other than their lawful intended use unless otherwise permitted by the *City*;
- (s) soliciting for illegal activities; or
- (t) the carrying of open liquor.

“Order” means a written notice issued by an *Enforcement Officer* directing a *Person* to take some action in compliance with a *City* by-law;

“Person” includes an individual, firm, corporations, association, partnership, trust, unincorporated organization or the heirs, executors, administrators or other legal representatives of a *Person*;

“Police Services Act” refers to the *Police Services Act*, R.S.O. 1990, c. P.15;

“Property” means any building or structure or part of a building or structure, including the lands and premises appurtenant thereto, and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and fixtures thereon, and includes vacant *Property*;

“Private Property” means *Property* that is not *Public Property*;

“Provincial Offences Act” refers to the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

“Public Place” includes a *Highway* and any place to which the public has access as of right or by invitation, express or implied, which may include *Public Property*, or *Private Property*;

“Public Property” means *Property* owned by the *City*;

“Public Transit” means a transit service operated by, for or on behalf of the Government of Ontario, a municipality in Ontario or a transit commission or authority in Ontario, as part of a regular passenger transportation service;

“Roadway” means the part of the *Highway* that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;

“Treasurer” means the Chief Financial Officer and Treasurer for the *City* of Vaughan, or

his or her designate, or his or her successor;

“Vehicle” includes automobile, motorcycle, van, truck, trailer, bus, mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow *Vehicle*, streetcar and any other *Vehicle* drawn, propelled or driven by any kind of power, including muscular power;

4.0 Prohibitions Against Public Nuisances

- (1) No *Person* shall cause, create, permit, or participate in a *Nuisance on Public Property* or in a *Public Place*.

5.0 Orders and Enforcement

- (1) Any *Person* who contravenes any provisions of this by-law or fails to comply with an *Order* issued under this by-law is guilty of an offence.
- (2) An *Enforcement Officer* may enter a *Property* at any reasonable time for the purpose of carrying out an inspection to determine whether the provisions of this by-law, or an *Order* issued under this by-law, are being complied with.
- (3) When entering a *Property* under this by-law, the *Enforcement Officer* exercising the power of entry:
 - (a) shall provide identification to any *Person* requesting identification during the inspection;
 - (b) may be accompanied by a *Person* or *Persons* under their direction; and
 - (c) shall not enter or remain in any room or place actually used as a dwelling, unless at least one of the conditions set out in section 437 of the *Municipal Act* is met.
- (4) An *Enforcement Officer* who finds a contravention of this by-law may give a written *Order* to the *Person* contravening this by-law requiring compliance with this by-law and/or to do the work to correct the contravention of this by-law within the time period specified in the *Order*.
- (5) The *Order* in 5.0(4) may be served personally on the *Person* to whom it is directed or sent by registered mail to the last known address of that *Person*, in which case it shall be deemed to have been given on the fifth day after it is mailed.
- (6) No *Person* shall hinder or obstruct or attempt to hinder or obstruct *Enforcement*

Officers from carrying out any powers or duties under this by-law.

6.0 Fines

- (1) Every *Person* who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*.
- (2) Pursuant to Section 429 of the *Municipal Act*, every *Person* who is guilty of an offence under this by-law shall be subject to the following fines:
 - (a) a minimum fine not exceeding \$500 and a maximum fine not exceeding \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine not exceeding \$500 and a maximum fine not exceeding \$10,000, however, the total of all of the daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine not exceeding \$500 and a maximum fine not exceeding \$10,000, however, the total of all fines for each included offence is not limited to \$100,000.
- (3) If there is a contravention of any provision of this by-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- (4) If an *Order* has been issued under this by-law, and the *Order* has not been complied with, the contravention of the *Order*, shall be deemed to be a continuing offence for each day or part of a day that the *Order* is not complied with.

7.0 Administrative Monetary Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act* for a contravention of this by-law or an *Order* issued under this by-law, an *Enforcement Officer* may issue an administrative monetary penalty to the *Person* who has contravened this by-law or an *Order* issued under this by-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under subsection 7.0(1) in respect of a contravention of this by-law or an *Order*, the

Person shall not be charged with an offence in respect of the same contravention.

- (3) The amount of the administrative monetary penalty for a contravention of a provision of this by-law or an *Order* is \$450.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the *Administrative Monetary Penalties By-law*.
- (5) If an *Order* has been issued under this by-law and the *Order* has not been complied with, the contravention of that *Order* shall be deemed to be a continuing offence for each day or part of a day that the *Order* is not complied with, that the *Person* may be subject to an additional administrative monetary penalty of \$450.
- (6) An administrative penalty imposed by the *City* under this by-law constitutes a debt of the *Person* to the municipality and if not paid by the *Person*, the *Treasurer* may add the administrative penalty to the tax roll and collect it in the same manner as municipal taxes.

8.0 Cost Recovery

- (1) If a *Person* fails to comply with an *Order*, the *City* may do the work described in the *Order* and the costs incurred by the *City* in doing the work required in the *Order* may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

9.0 Severability

- (1) If any provision of this By-law or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the By-law which can be given effect without the invalid provision or application, and to this end the provisions of this By-law are severable.

10.0 Conflict with Other By-laws

- (1) Where any provision of this by-law is in conflict with a provision of any other City by-law, the more restrictive provision shall prevail.

11.0 Designated By-law

- (1) Schedule 1 of the *Administrative Monetary Penalties By-law*, as amended, is hereby amended by including this by-law as a *Designated By-law*.

12.0 Repeal of Other By-laws

- (1) This By-law repeals the Nuisance By-law 195-2000.

13.0 Transition

- (1) Notwithstanding the repeal of by-law 195-2000, that by-law shall continue to apply to any acts, omissions, or occurrences, and to any offences that took place prior to this by-law coming into effect.

14.0 Force and Effect

- (1) This By-law shall come into force and effect upon its effective date.

Voted in favour by *City of Vaughan Council* this 25th day of June, 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. 20 of Report No. 25 of the Committee of the Whole.
Report adopted by Vaughan City Council on June 25, 2024.
City Council voted in favour of this by-law on June 25, 2024.
Approved by Mayoral Decision MDC 008-2024 dated June 25, 2024.
Effective Date of By-Law: June 25, 2024