



To: Council
From: Loriann Harbers, Director of Corporate Services/Clerk
Date of Meeting: December 15, 2021
Subject: By-law No. 2021-100 Amend By-law No. 2016-20
Nuisance By-law

Recommendation:

That By-law No. 2021-100, being a by-law to amend By-law No. 2016-20, to prohibit and regulate public nuisance, be read and passed in open Council, signed and sealed this 15th day of December, 2021.

Executive Summary:

Council has instructed staff to investigate options to improve the Township's current Nuisance By-law. The by-law was first drafted in 2016 in collaboration with municipalities in SDG to encourage support for enforcement through OPP.

As a result of complaints received, 3 main problems were identified:

1. General Prohibitions were too broad;
2. Firearms restrictions are lacking; and
3. Motor vehicle noise is not clearly defined.

Moreover, staff recognize that a fulsome review to modernize existing legislation and future transition to the Administrative Monetary Penalty System, is still required.

This report provides an overview of the proposed by-law and recommended changes as a result of legal review.

Background:

Proposed amendment were presented to Council during the November 24, 2021 meeting for consideration.

Staff are aware that a further review is required. A review that encompasses key stakeholder survey(s), public input, legislative updates and the establishment of an Administrative Monetary Penalty System remains outstanding.

In the interim, staff propose the following amendments to the current by-law at this time:

1. Narrow the General Prohibitions paragraph

2. Create a separate Discharge of Firearms and Bows By-law
3. Add restriction(s) surrounding motor vehicle noise

As a result of the legal review, the following additional revisions have been made:

- further revision to definition of “Noise” and the removal of the use of “Unreasonable Noise” for ease of enforcement
- further revision to the definition of “Point of reception” removing indoor area with closed windows and doors for clarity
- further clarification surrounding General Prohibitions:
 - a) No person shall make, cause or permit any unusual noise, likely to disturb the inhabitants of the Municipality that is persistent noise or that is audible at a point of reception.

Staff continue to prepare background information concerning the draft discharge of firearms by-law. This material will be used for public engagement purposes.

Alignment with Community Strategic Plan:

Goal 5: Strong Community

Objective 1.1: Implement Service Delivery and Policies Review

Risk and Asset Management Considerations:

It is necessary to consider updated legislation and modernization on a regular basis for continual improvement.

Options:

1. That Council adopt By-law No. 2016-20 being the public nuisance by-law.
2. That Council instruct staff to conduct further research and develop a fulsome plan in advance of amending the by-law.
3. Other.

Financial Impact:

There is no financial impact to the Township as a result of this by-law.

Others Consulted:

Municipal Law Enforcement Officer

Fire Chief

CAO

Legal Counsel