

A by-law to amend
Nuisance Gathering By-law 0211-2023

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*") authorize The Corporation of the City of Mississauga (the "City") to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 of subsection 11(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS section 35 of the *Municipal Act, 2001* provides that a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway;

AND WHEREAS section 128 of the *Municipal Act, 2001* authorizes a municipality to prohibit and regulate public nuisances, including matters that, in the opinion of the Council of The Corporation of the City of Mississauga ("Council") are or could become or cause public nuisances;

AND WHEREAS subsection 391 of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it, including costs related to administration and enforcement;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law or an order made pursuant to the by-law;

AND WHEREAS sections 444 and 445 of the *Municipal Act, 2001*, provide that a municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and/or to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001* 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 property taxes;

AND WHEREAS Council enacted the City's Nuisance Gathering By-law 0211-2023 on December 13, 2023;

AND WHEREAS on February 26, 2025, Council passed Resolution _____ to amend Nuisance Gathering By-law 0211-2023 as set out in the corporate report entitled "Proposed Amendments to the Nuisance Gathering By-law 0211-2023";

NOW THEREFORE the Council of The Corporation of the City of Mississauga, ENACTS as follows:

1. That Nuisance Gathering By-law 0211-2023, is hereby amended as follows:

(a) by adding the following definitions in section 1 in alphabetical order:

"Car Rally" means any formal or informal event or exhibition consisting of the gathering of Motor Vehicles;

"Motor Vehicle" means an automobile, motorcycle, motor-assisted vehicle and any other vehicle propelled or driven by gasoline or electric power;

- (b) by deleting the word 'or' at the end of section (i) to the definition of "**Nuisance Gathering**" in section 1.
- (c) by adding the word 'or' at the end of section (j) to the definition of "**Nuisance Gathering**" in section 1.
- (d) by adding the following new section (k) to the definition of "**Nuisance Gathering**" in section 1:
 - (k) a Car Rally that includes any of the activities outlined in sections (a) to (j).
- (e) by deleting the definition of "**Person**" in section 1 and replacing it with the following:

"Person" includes any individual person, a corporation, a condominium corporation, including its directors and officers, a partnership, any other form of business or legal association or entity, and the heirs, executors and administrators or other legal representatives of a Person, including their respective successors and assigns;
- (f) by deleting section 6 and replacing it with the following:

6. The Commissioner is responsible for the administration and enforcement of this By-law and may from time to time, appoint delegates or assign duties to City staff under this By-law.
- (g) by deleting the heading '**Closure of Roads**' above section 7 and replacing it with the heading '**Restricting or Prohibiting Access to Highways**';
- (h) by deleting section 7 and replacing it with the following:

7. Where a Nuisance Gathering is occurring on or adjacent to the Highway, on the direction of the Commissioner or the Chief of Police, an Officer may temporarily restrict or prohibit the public from access to and/or using any Highway or portion thereof, and in doing so may place or erect one or more notices on the said Highway.
- (i) by deleting section 8 and replacing it with the following:

8. Where the access and/or use of a Highway is temporarily restricted or prohibited under this By-law, the common law right of passage by the public and the common law right of access by an owner of land abutting the Highway or portion of the Highway are so restricted or prohibited.
- (j) by deleting section 9 and replacing it with the following:

9. No Person shall access and/or use a Highway, or portion of a Highway that has been temporarily restricted or prohibited from access and/or use under this By-law except with the direction of an Officer or other lawful authority.
- (k) by deleting section 10 and replacing it with the following:

10. No Person shall, without lawful authority, remove, displace, deface or obstruct any barricade, device, sign or notice placed on a Highway pursuant to this By-law.
- (l) by deleting the heading '**Orders**' above section 14 and replacing it with the heading '**Orders and Remediation**';
- (m) by deleting section 14 and replacing it with the following:

14. An Officer who finds a contravention of this By-law may make one or more orders requiring that:

 - a) the contravening activity be discontinued; and/or
 - b) work be done to correct the contravention.

- (n) by deleting section 15 and replacing it with the following:
15. Upon an order of an Officer pursuant to subsection 14(a) of this By-law, every Person who is sponsoring, hosting, creating, conducting, allowing, causing or permitting a Nuisance Gathering on a specified Premises shall cease.
- (o) by deleting section 16 and replacing it with the following:
16. Every Person not residing on a specified Premises shall leave such Premises after having been directed to leave by an order made pursuant subsection 14(a) of this By-law.
- (p) by deleting the heading '**Remediation**' above section 20;
- (q) by deleting section 20 and replacing it with the following:
20. In addition to the provisions in sections 21 to 23 of this By-law, where a thing or matter that is required to be done through an order of an Officer pursuant to subsection 14(b) of this By-law is not completed by the time set out in the order, the matter or thing may be done by the City at the Person's expense and the City may recover the costs of doing the matter or thing from the Person directed or required to do it by court action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- (r) by deleting section 21 and replacing it with the following:
21. In addition to the remedial costs recoverable under section 20 of this By-law, the City may impose a fee or charge upon any Person sponsoring, conducting, continuing, hosting, creating, allowing, causing or permitting a Nuisance Gathering.
- (s) by deleting section 22 and replacing it with the following:
22. The amount of the fee or charge imposed under section 21 of this By-law shall be the amount of administrative costs, costs of enforcement and any other related costs incurred by the City in responding to and addressing the Nuisance Gathering pursuant to this By-law, including such other fees as may be set out in the applicable City User Fees and Charges By-law or any successor thereto;
- (t) by renaming '**PART 6: APPLICATION AND INTERPRETATION**' to '**PART 7: APPLICATION AND INTERPRETATION**'.
- (u) by renaming '**PART 7: GENERAL**' to '**PART 8: GENERAL**'.
- (v) by adding a new Part 6 as follows:

PART 6: RECOVERY THROUGH MUNICIPAL TAX ROLL

27.1 The City may recover all unpaid costs and expenses incurred in the enforcement of this Bylaw, including the costs associated with work described in subsection 14(b), the fees described in sections 21 to 22, and the fines and penalties levied through sections 24 to 27, by court action or alternatively, by adding the same to the Person's tax roll and collecting them in the same manner as property taxes.

27.2 Where the Person liable to pay the costs and expenses referred to in section 27.1 is a condominium corporation, the aggregate costs and expenses to be added to the tax roll of each unit owner shall be in the same proportions as specified in the condominium declaration for sharing the common interests.

ENACTED and PASSED this 26th day of February, 2025.

MAYOR

CLERK