COBOURG	THE CORPORATION OF THE TOWN OF COBOURG
	BY-LAW NUMBER 017-2024

BEING A BY-LAW TO AMEND NUISANCE BY-LAW 048-2016

WHEREAS section 434.1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, ("Municipal Act, 2001") authorizes a municipality to 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 passed under the Municipal Act, 2001; and

WHEREAS section 133 of the Municipal Act, 2001, provides that a municipality may enact By-laws for the health, safety and well-being of a person and for the protection of persons and property; and

WHEREAS section 128 of the Municipal Act, 2001 provides that a 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 Council intends by this By-law to amend the Nuisance By-law to enhance the ability to enforce nuisance related incidents and prohibit consumption of controlled or illegal substances in public places.

NOW THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG ENACTS AS FOLLOWS:

1. That Nuisance By-law 048-2016 is amended as shown below:

   Section 1.0 Definitions include the following new terms:

   "Nuisance Gathering" means a gathering on a Premises, Public Place or Public Property, which by reasons of the conduct of the Persons in attendance results in a Nuisance occurring.

   "Owner" shall mean the person or persons shown on the Land Registry Office record, the records of the land at the registry office, or Municipal tax roll, as having title to the land or responsibility for it and includes a property manager as well as the tenant and person or persons lawfully in possession of, or exercising control over, the property.

   "Person" includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives.

   Section 1.0 Definitions – Nuisance include new article (v) and that the existing articles (v) through (xii) be renumbered as articles (vi) through (xiii):

   (v) the unlawful use, sale, furnishing, or distribution of alcoholic beverages or controlled or illegal substances;

Section 5.0 Enforcement include the following new subsections:

5.4 Where an Officer is satisfied that a Person, Owner or Occupier has contravened or failed to comply with any provision of this By-law, the Officer may make an Order requiring the Person, Owner or Occupier 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 do work to correct the contravention or to discontinue the contravening activity.

5.5 An Order shall set out:

a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

b) the date by which there must be compliance with the order

5.6 Where a thing or matter that is required to be done is not completed by the time set out in the Order, the matter or thing may be done by the Town at the Person's expense and the Town may recover the costs of doing the 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.

5.7 Any Person who contravenes an order issued under subsection 5.4 is guilty of an offence.

5.8 In addition to any remedial costs, the Town may impose a fee or charge upon any Person sponsoring, conducting, continuing, hosting, creating, allowing, causing, or permitting a Nuisance or Nuisance Gathering.

5.9 The amount of the fee or charge shall be the amount of administrative costs, costs of enforcement and any other costs incurred by the Town in responding to and addressing the Nuisance or Nuisance Gathering pursuant to this By-law, as set out in the applicable Town's User Fees and Charges By-law.

5.10 Fees or charges imposed on a Person pursuant to this By-law constitute a debt of the Person to the Town.

2. That this By-law shall come into effect on the 28th day of February, 2024.

READ and finally passed in Open Council this 28th day of February, 2024.

"Lucas Cleveland"
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Lucas Cleveland, Mayor

"Brent Larmer"
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Brent Larmer, Clerk