



Frequently Asked Questions – Proposed Nuisance Party Bylaw

Q. What is the purpose of a Nuisance Party Bylaw?

The regulatory purpose of a nuisance party bylaw is to create a duty upon those hosting a social gathering or party to control the participants' behaviour. It gives law enforcement personnel a mechanism to direct and disperse people where the gathering has become a public nuisance, but may not have reached the standard of an unlawful assembly under the Criminal Code.

Q. How would a Nuisance Party Bylaw be used in practice?

Before the bylaw's provisions could be enforced, a Kingston Police Officer of a designated rank would first need to determine if grounds are met to declare a social gathering to be a "Nuisance Party". Once a social gathering has been declared a Nuisance Party, Police Officers could then order that the behaviour (Nuisance Party) cease and that people attending the party disperse within the timeframe given by the Police. Those who fail to comply with an Order made under this authority would risk being charged under the bylaw.

Q. Does the City need a bylaw that deals with nuisance parties and gatherings?

Kingston has experienced large gatherings and parties on premises throughout the city. Some of these have involved nuisance behaviours of those in attendance, including the excessive consumption of alcohol, very high noise levels, overcrowding of the premises and congregation of large groups of people on public property (resulting in the blockage of pedestrian and vehicular traffic), and violations of federal and provincial statutes and municipal bylaws. Parties of this nature have the potential to create a substantial risk to the health and safety of participants and surrounding neighbourhood.

Q. What type of behaviour is a Nuisance Party Bylaw intended to address?

The intended scope of any Nuisance Party Bylaw proposed for the City of Kingston will be limited to addressing behaviour specific to the context of large social gatherings or parties. A bylaw of this nature could serve to regulate activities such as:

- Public intoxication;
- The unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- The unauthorized deposit of refuse (illegal dumping / littering) on public or private property;
- Damage to public or private property;
- The obstruction of vehicular or pedestrian traffic, or interference with the ability to provide emergency services;
- Sound that is unusual or excessive, or that is unwanted by or disturbing;
- Unauthorized open burning or the display of unauthorized fireworks;
- Public fights;
- Outdoor public urination or defecation; and
- Use of or entry upon a roof not intended for such occupancy.

Q. Would existing bylaws still be enforced?

Yes, City bylaws regulating noise, littering and parking would continue to be enforced. The City's Noise Bylaw, for example, would continue to apply and be enforced as it has been in the past. Police would continue to enforce provincial statutes including the *Liquor Licence Act*, the *Trespass to Property Act*, and the *Highway Traffic Act*, and if necessary, lay criminal charges for causing a disturbance and unlawful assembly.

A Nuisance Party Bylaw would be used, when considered appropriate, to address behaviour specific to the context of large social gatherings.

Q. Who could be charged under a proposed bylaw?

Any person who creates, causes, hosts, sponsors, conducts, continues, or attends a nuisance party could be charged under a nuisance party bylaw. Further, any person who, individually or jointly with others, is an owner, occupant, tenant, or who otherwise has rightful possession of a premises, who permits a nuisance party could be held responsible through this type of bylaw. For example, 'absentee' landlords could be held responsible under the bylaw after a failure to address repeated nuisance behaviour on the part of their tenants.

Q. What kind of remedies could the City seek under the proposed bylaw?

Fines (tickets) could be issued for violations of a nuisance party bylaw, and repeat offenders could be summons to court to face higher penalties. The set fines associated with public nuisance and nuisance party bylaws in other Ontario municipalities range from \$250 to \$750. A relatively high fine is seen as necessary to achieving general deterrence (i.e. those who are aware of the financial consequences of engaging in this behaviour are more likely to be dissuaded from doing so). For those charged under a nuisance party bylaw, the intent would be for the relatively high fines to serve as a specific deterrent to repeating such behaviour.

In addition to fines, authority could be included in the bylaw to impose a fee upon any person involved in a nuisance party, including the owner of the property, to cover any of the administrative and enforcement costs incurred by the City in responding to and addressing the nuisance party. Imposed fees that remain unpaid could be added to the property owner's taxes.