



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 173- 2024

To Prohibit Nuisance Demonstrations

WHEREAS section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“Municipal Act”) provides for that the powers of a municipality be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs, as they consider appropriate, and enhance their ability to respond to municipal issues;

AND WHEREAS section 11(2)6. of the Municipal Act provides for a municipality to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS section 128(1) of the Municipal Act 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 section 128(2) of the Municipal Act provides that the opinion of council under section 128(1), if arrived at in good faith, is not subject to review by any court;

AND WHEREAS section 426 of the Municipal Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under a by-law passed under the Municipal Act;

AND WHEREAS section 429 of the Municipal Act provides for a municipality to establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

AND WHEREAS section 434.1 of the Municipal Act provides that a municipality may require a person to pay an Administrative Monetary 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;

AND WHEREAS section 444 of the Municipal Act provides for a municipality that is satisfied that a contravention of a by-law of the municipality passed under the Municipal Act has occurred to 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 WHEREAS Council recognizes the fundamental right of freedom of expression for people to protest and demonstrate peacefully and further recognizes that such expression is an important element of democratic society;

AND WHEREAS Council recognizes the fundamental right to freedom of conscience and religion;

AND WHEREAS Council also recognizes the need to reasonably and responsibly balance such rights against the health, safety and well-being of members of its communities;

AND WHEREAS Council recognizes that behaviour such as intimidation, inciting hatred, violence, intolerance or discrimination may have negative effects on the health, safety and well-being of its citizens;

AND WHEREAS Council deems certain social infrastructure to be especially vulnerable to public Nuisance Demonstrations, and further deems it necessary for such social infrastructure to have protection from such Nuisance Demonstrations in order to protect the well-being of users;

AND WHEREAS Council, in good faith, and in accordance with section 128 of the Municipal Act, has established what constitutes or could become a Nuisance Demonstration, as set out hereunder;

AND WHEREAS nothing in this By-law is intended to prevent peaceful protests or demonstrations, including those that occur as part of a labour union strike;

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

PART I - DEFINITIONS

“By-law” means this by-law, and any amendments thereto;

“City” means The Corporation of the City of Brampton;

“Commissioner” means the Commissioner of Public Works and Engineering or their designate;

“Nuisance Demonstration” means one or more Persons, publicly and in person, protesting against something or expressing views on any issue, in any manner, whether it is intended or not, that is likely, on an objective standard, to cause a reasonable Person to be intimidated, meaning that they are either concerned for their safety or security, or they are unable to access any Place of Worship. For greater certainty, intimidation can be caused by, but not only by, actions or expressions that incite hatred, violence, intolerance or discrimination;

“Officer” means a Person appointed as a Municipal Law Enforcement Officer pursuant to section 55 of the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1, or a member of Peel Regional Police or the Ontario Provincial Police who is appointed as a police officer, or any other Person so authorized;

“Person” means a natural individual or any other legal entity, such as a corporation, as required by context;

“Place of Worship” has the same meaning as set out in City’s Zoning By-law 270-2004.

PART II – TITLE, APPLICABILITY AND SCOPE

1. This By-law shall be known and cited as the “Protecting Places of Worship By-law from Nuisance Demonstrations”.
2. The provisions of this By-law apply to all properties, or parts thereof, that are located within one hundred (100) metres of Places of Worship.
3. 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.

4. 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.

PART III – NUISANCE DEMONSTRATIONS PROHIBITED

5. No Person shall organize or participate in a Nuisance Demonstration within one hundred (100) metres of the property line of any Place of Worship.
6. For greater certainty:
 - (a) section 5 is not intended to prohibit peaceful gatherings, protests or demonstrations, including any such activities that occur as part of a labour union strike;
 - (b) section 5 does not prevent persons from peacefully protesting against foreign governments at a Place of Worship;
 - (c) a Nuisance Demonstration is a public nuisance pursuant to section 128 of the Municipal Act.

PART IV – ENFORCEMENT POWERS

7. An Officer may enter on land, premises, or buildings or structures at any reasonable time for the purpose of carrying out an inspection to determine compliance with:
 - (a) a provision of this By-law; and
 - (b) an Order issued under this By-law.
8. For the purposes of an inspection pursuant to section 7 of this By-law, an Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any Person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
9. For greater certainty, Part IV authorizes an Officer to require individuals to provide their name, address and identification, and the Officer is permitted to use that information in the course of the investigation and to enforce this By-law.
10. Every Person who refuses to provide identification when requested to do so by an Officer is considered to be in obstruction of the Officer, in accordance with section 426 of the Municipal Act, and commits an offence under section 9 of this By-law.
11. Where an Officer believes that a contravention of this By-law has occurred, they may issue an Order:
 - (a) to discontinue the contravening activity;
 - (b) to correct the contravention; or
 - (c) to discontinue the contravening activity and correct the contravention.

12. The Officer may give an Order to the Person who has contravened this By-law verbally or in writing.
13. No Person shall hinder or obstruct an Officer from exercising duties under this By-law.
14. The Commissioner is authorized to order the closure of any highway, including roadway, boulevard, sidewalk, trail or pathway, the closure of any public place, including facility, park, or parking lot, and/or redirect vehicular or pedestrian traffic in any way, including the placing of barricades, where necessary to ensure the health, safety, and well-being of any Person.

PART V - PENALTIES

15. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
16. Every Person who is guilty of an offence under this By-law is subject a fine under the Municipal Act, such that:
 - (a) a minimum fine shall not be less than \$500 and a maximum fine shall not exceed \$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 shall not be less than \$500 and a maximum fine shall not exceed \$10,000, however, the total of all of the daily fines for the offence is not limited.

PART VI – ADMINISTRATIVE PENALTIES

17. An Officer may require a Person, subject to the conditions set out within the Administrative Penalties (Non-Parking) By-law 218-2019, as amended, or successor by-law, to pay an administrative penalty if the Officer is satisfied that the Person has failed to comply with:
 - (a) a provision of this by-law; or
 - (b) an Order of an Officer.
18. Every Person who is served a penalty notice pursuant to section 17 is liable to pay to the City an administrative penalty in the amount set out in the Administrative Penalty (Non-Parking) By-law 218-2019, as amended.

PART VII – UNPAID FINES AND PENALTIES

19. The City's Treasurer may add any unpaid fine or administrative monetary penalty to the tax roll for any property in the City of which all of the owners are responsible for paying a fine or administrative monetary penalty and may collect it in the same manner as municipal taxes.

PART VIII - SEVERABILITY AND CONFLICT

20. Where a court of competent jurisdiction declares any provision of this By-law to be invalid, or to be not in force, or without effect, it is the intention of the Council in enacting this By-law that the remainder of this By-law shall continue to be in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

21. Where there is a conflict or contradiction between this By-law and any other by-law of the City, the provisions establishing the more restrictive standard shall prevail.

PART IX - EFFECT

22. This By-law comes into force and effect upon the date of its passing.

ENACTED and PASSED this [enter date] day of [enter month], 2024.

Approved as to
form.

2024/November/20

Colleen Grant

Patrick Brown, Mayor

Approved as to
content.

2024/November/20

Colleen Grant

Genevieve Scharback, City Clerk