



By-law Number 0225-2003

A By-law respecting the prohibition of controlled substance manufacturing operations

WHEREAS the health safety and well being of the residents of Mississauga is based upon ensuring stable peaceful neighbourhoods; and

WHEREAS the unsightly conditions, and the offensive trade and manufacture of controlled substances have been found to exist from place to place in the City of Mississauga; and

WHEREAS such places give rise to conditions that threaten the health, safety and well being of the residents of the City of Mississauga; and

WHEREAS such places also emit foul and offensive odours, and create threat of fire and electrical shock; and

WHEREAS such places are a source of criminal activity, attracting undesirable patrons; and

WHEREAS these places give rise to public nuisances; and

WHEREAS the continued existence of these places, unabated, will result in a threat to the health, safety and well being of the residents of Mississauga and its neighbourhoods; and

WHEREAS the prevention of such public nuisances, and threats to health, safety and well being will safeguard the public; and

WHEREAS pursuant to Sections 128 of the Municipal Act, 2001, S.O.2001 c.8, as amended, the Council of the City of Mississauga may pass a by-law to prohibit public nuisances; and

WHEREAS pursuant to Section 129 of the Municipal Act, the Council of the City of Mississauga may prohibit noise, vibration, odour, outdoor illumination, including indoor lighting that can be seen outdoors; and

WHEREAS pursuant to Section 130 of the Municipal Act, the Council of the City of Mississauga may regulate matters for purposes related to the health, safety and well-being of the inhabitants of Mississauga; and

WHEREAS the City can recover the costs of removing such nuisances from the person or persons causing the public nuisance and or threat to the health and safety of the community.

NOW THEREFORE, The Council of the Corporation of the City of Mississauga enacts the following;

Part 1

Definitions

1. Definitions

"City" means The Corporation of the City of Mississauga.

“Controlled Substance” means a “controlled substance” as defined and described in Schedules I, II, and III of the Controlled Drugs and Substances Act, 1996, c.19, as may be amended from time to time, but does not include the trade or manufacture of a controlled substance that is permitted under that Act or otherwise lawfully licensed under any other City by-law.

“Inspector” means the Manager of Licensing and/or By-Law Enforcement for the City, or designate and shall include any members of the Peel Regional Police;

“Occupant” includes;

- (1) a person residing on or in a property;
- (2) the person entitled to the possession of the property if there is no other person residing on or in the property; and
- (3) a leaseholder;

and shall include the agent of any such person.

“Owner” means a person who has any right, title, estate, or interest in property, other than that of an occupant, and shall include the agent of any such person.

“Person” includes the natural person of either sex, associations, corporations, bodies politic, partnerships, whether acting by themselves or by a servant, agent or employee and the heirs, executors, administrators, successors and assigns or other legal representative of such persons.

“Property” means all real property, including, but not limited to, front yards, side yards, backyards, driveways, walkways, and sidewalks and shall include any building, structure or fence located on such real property.

Part 2

Prohibition

Prohibition of Controlled Substance Manufacture

2. No person, owner or occupant of property within the City of Mississauga shall permit or allow the property to become or remain a place for the trade, business or manufacture of a controlled substance.
3. No person, Owner or Occupant shall allow the property to be used in a noxious, offensive or unwholesome manner through the trade, manufacture, cultivating or distribution of a controlled substance.
4. No person, Owner, or Occupant of the property shall cause or permit, water, rubbish, or noxious or offensive or unwholesome matter to collect or accumulate around the property in connection with the manufacture, cultivation, trade or distribution, with the controlled substance.

Part 3

Inspections and Notice

5. The Council may, by by-law, from time to time, appoint an inspector and one or more assistant Inspectors for the purposes of this By-law or any member of the Peel Regional Police shall be deemed to be an inspector for the purposes of this By-law.
6. An Inspector may enter upon the property of any person at reasonable times and in a reasonable manner for the purposes of inspecting the property, and by way of written notice served upon the owner and or occupant, declaring if the property is being used for in a manner that contravenes the provisions of this by-law and the requirements for compliance.

Part 4

Non-Compliance

7. If an owner or occupant fails to comply with a written notice of an inspector, the City through its employees or other persons, at reasonable times and in a reasonable manner, may enter the property and effect the compliance at the expense of the Owner or Occupant who has failed to comply.
8. If an Inspector enters the property pursuant to a legal search of the property and has to effect compliance with this by-law, the costs of all such compliance shall be at the expense of the Owner or Occupant.
9. The City shall deliver to the Owner or Occupant, written notice of the costs of the compliance. The notice may be delivered to the last known address of the Occupant or the registered address of the Owner, as identified on the City's assessment rolls.
10. In the event that the person who has failed to comply, fails to pay the costs of compliance within 90 days of the date of the written notice of compliance, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

Part 5

Offences and Penalties

11. Every person who contravenes provisions of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to the maximum fine permitted under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, exclusive of costs.
12. If a corporation is convicted under section 11, the maximum penalty, exclusive of costs, that may be imposed is \$5,000.

Part 6

Validity & Interpretation

13. If a court of competent jurisdiction declares any section or part of a section of this by-law invalid, it is the intention of Council that the remainder of the by-law shall continue to be in force.
14. (1) Words importing the singular number or the masculine gender only include more person, parties or things of the same kind than one, and females as well as males and the converse.

(2) A word interpreted in the singular number has a corresponding meaning when used in the plural.
15. This By-law may be referred to as the Controlled Substance Manufacture Operations Prevention By-law.

ENACTED AND PASSED this 11th day of June, 2003.

Signed: Nando Iannicca, Acting Mayor

Signed: Crystal Greer, City Clerk