

CITY OF NANAIMO

BYLAW NO. 5648

A BYLAW TO PREVENT AND PROHIBIT NUISANCES AND DISTURBANCES

WHEREAS the City of Nanaimo wishes to promote a safe, comfortable and inviting community for all of its citizens, businesses and visitors;

WHEREAS the small minority of persons that creates nuisances and disturbances and that, in general, engages in uncivil behaviour threatens the quality of life desired by the population as a whole; and

WHEREAS it is in the public interest for the City to take the necessary measures to eliminate nuisances, disturbances and occurrences of uncivil behaviour.

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled HEREBY ENACTS AS FOLLOWS:

1. Title

This Bylaw shall be cited as the City of Nanaimo "PUBLIC NUISANCE BYLAW 2003 NO. 5648."

2. Definitions

In this Bylaw:

"Bylaw Enforcement Officer" means a person appointed by the Municipal Council as a Bylaw Enforcement Officer.

"Graffiti" includes any unauthorized inscription, drawing, writing, pictorial representation, message or slogan made on any surface by means of paint, chalk, ink or other substances, or by chisel, hammer, stone or other device.

"Highway"	includes every road, street, lane, alley and right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage way to which the public, for the purpose of parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the City of Nanaimo for the purpose of providing off-street parking.
"Municipality"	means the City of Nanaimo.
"Person"	means a natural person.
"Public place"	includes every sidewalk, park, courtyard, square, walkway, parkade and any other area open to public use.

3. General Prohibitions

- 3.1 No person shall disturb the peace, quiet and enjoyment of the community by engaging in drunkenness, profane swearing or indecent, obscene or grossly insulting language on a highway or in a public place.
- 3.2 No person shall impede or obstruct any other person on a highway or public place, excluding lawful picketing as provided in the BC Labour Code.
- 3.3 No person shall stand on a highway or public place in such a manner which impedes or obstructs the free movement of other persons or vehicular traffic.
- 3.4 No person shall participate in a fight or other similar physical confrontation on a highway or in a public place.
- 3.5 No person shall deposit or throw bottles, broken glass or other rubbish on any highway or in a public place.
- 3.6 No person shall place graffiti on walls, fences or other surfaces in or visible from a highway or public place.
- 3.7 No person shall urinate or defecate on a highway or in a public place except in a facility so designated for such a purpose.

4. Exemptions

Bylaw Enforcement Officers, on-duty City of Nanaimo employees and persons authorized by the City of Nanaimo who, through their actions, impede or obstruct the free movement of persons or vehicular traffic on highways or in public places, are excluded from the prohibitions and penalties contained in the Bylaw.

5. Enforcement

Bylaw Enforcement Officers and RCMP members are hereby authorized to enforce this Bylaw by means of a ticket.

6. Penalty

Every person who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw in addition to any other penalties provided for in this Bylaw, shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00); or, if an information is laid by means of a ticket, in accordance with the procedure set out in the *Offence Act*, a fine as stipulated in Schedule "A" of this Bylaw.

7. Jurisdiction

This Bylaw is applicable to and enforceable in the entire Municipality.

8. Severability

If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

PASSED, FIRST, SECOND AND THIRD READINGS 2003-NOV-03.
ADOPTED 2003-NOV-17.

G. R. KORPAN
M A Y O R

J. T. BOWDEN
SENIOR MANAGER,
CORPORATE ADMINISTRATION

SCHEDULE A

Fines for tickets issued pursuant to this Bylaw shall be as follows:

DESCRIPTION OF OFFENCE	SECTION #	AMOUNT OF FINE
Disturb peace, quiet and enjoyment of the community	3.1	\$150.00
Impede or obstruct a person	3.2	\$150.00
Impede or obstruct free movement of persons or vehicles	3.3	\$150.00
Participate in fight or similar physical confrontation	3.4	\$150.00
Deposit or throw bottles, broken glass or other rubbish	3.5	\$150.00
Place graffiti on walls, fences or other surfaces	3.6	\$150.00
Urinate or defecate on highway or in public place	3.7	\$150.00