

VILLAGE OF PEMBERTON

BYLAW NO. 838, 2018

A BYLAW TO PREVENT AND PROHIBIT NUISANCES AND DISTURBANCES

WHEREAS in accordance with the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of the community in relation to nuisances or other objectionable situations as set out in the *Community Charter*.

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

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

AND WHEREAS it is in the public interest for the Village of Pemberton to take the necessary measures to eliminate nuisances, disturbances and occurrences of uncivil behaviour; and

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled **HEREBY ENACTS AS FOLLOWS:**

1. **CITATION**

This Bylaw shall be cited as the Village of Pemberton "Public Nuisance Abatement Bylaw No 838, 2018."

2. **DEFINITIONS**

In this Bylaw:

Bylaw Enforcement Officer means a person appointed to the position of 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 *highway* within the Village of Pemberton and within the meaning of the *Highway Act*, and 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 Village of Pemberton for the purpose of providing off-street parking.

Municipality means the Village of Pemberton.

Person means a natural person.

Public Nuisance means an unreasonable interference with the comfort, convenience or safety of the public in relation to their use of a *public place*.

Public place includes every sidewalk, park, courtyard, square, walkway, parkade and any other area open to public use.

RCMP Member means a member appointed by the Governor in Council pursuant to section 5 or paragraph 6(3) (a) of the *Royal Canadian Mounted Police Act*.

Solicit means to communicate, in person, using the spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return.

3. **GENERAL PROHIBITIONS**

- 3.1 No person shall do anything that does, or tends to, cause a *nuisance*, on a *highway* or in a *public place*, including consume liquor in any *public place* except in compliance with a licence issued under the *Liquor Control and Licensing Act*, or camp in unauthorized areas, or use profane, obscene, abusive or grossly insulting language, gestures or displays.
- 3.2 No person shall impede or obstruct persons or vehicular traffic on a *highway* or *public place*, except as permitted by law.
- 3.3 No person shall deposit, throw or leave bottles, broken glass, litter or other rubbish on any *highway* or in a *public place*.
- 3.4 No person shall place graffiti on walls, fences or other surfaces in or visible from a *highway* or *public place*.
- 3.5 No person shall urinate or defecate on a *highway* or in a *public place* except in a facility so designated for such a purpose.
- 3.6 No person shall deface, cut, remove, destroy or damage a tree, shrub, structure, building or other thing or any real or personal property in a

public place, or destroy, deface or damage a traffic control device located in a *public place* or *highway*.

3.7 No person shall *solicit* on a *highway* or in a *public place* in a manner that would cause a reasonable person to be concerned for the solicited person's safety or security.

3.8 No person shall use streams, lakes, rivers or a *public place* for personal cleansing or washing laundry or dishes.

4. EXEMPTIONS

Bylaw Enforcement Officers, Village of Pemberton employees and persons authorized by the Village of Pemberton who, in the course of their duties, 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

This bylaw may be enforced by the Village Bylaw Enforcement Officers and RCMP members.

6. OFFENCE AND PENALTY

6.1 Every person who contravenes any provision of this bylaw, or who causes, permits, suffers or allows any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, commits an offence against this bylaw and upon conviction of an offence, shall be liable to:

a) shall be liable to a fine set out in the Village of Pemberton Municipal Ticket Utilization Bylaw as amended from time to time; or

b) if proceedings are brought under the *Offence Act*, pay a fine and/or penalty of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed.

6.2 Each day that an offence against this bylaw continues amounts to a separate and distinct offence.

7. **SCHEDULES**

The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

Schedule "A" - Fines

8. **JURISDICTION**

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

9. **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.

READ A FIRST TIME this 4th day of September, 2018.

READ A SECOND TIME this 4th day of September, 2018.

READ A THIRD TIME this 4th day of September, 2018.

ADOPTED this 2nd day of October, 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE A

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

DESCRIPTION OF OFFENCE	SECTION #	AMOUNT OF FINE
Cause a nuisance, camp in unauthorized areas, or use profane, obscene, abusive or grossly insulting language, gestures or displays	3.1	\$150.00
Impede or obstruct a person or vehicle	3.2	\$150.00
Deposit or throw bottles, broken glass, litter or other rubbish	3.3	\$150.00
Place graffiti on walls, fences or other surfaces	3.5	\$250.00
Urinate or defecate on <i>highway</i> or in <i>public place</i>	3.6	\$150.00
Deface, damage or destroy property in <i>public place</i>	3.7	\$250.00
Solicitation	3.8	\$50.00
Use streams, lakes or rivers for personal cleansing or washing laundry or dishes	3.9	\$150.00