

DATE OF MEETING FEBRUARY 25, 2019

AUTHORED BY DAVID LABERGE, MANAGER OF COMMUNITY SAFETY

**SUBJECT CITY OF NANAIMO “PUBLIC NUISANCE BYLAW 2019 NO. 7267”
AND CITY OF NANAIMO “BYLAW NOTICE ENFORCEMENT
AMENDMENT BYLAW 2019 NO. 7159.05”**

OVERVIEW

Purpose of Report

To present for consideration the City of Nanaimo “Public Nuisance Bylaw 2019 No. 7267” to repeal the City of Nanaimo “Public Nuisance Bylaw 2003 No. 5648”, and to present amendments to “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

Recommendation

That:

1. “Public Nuisance Bylaw 2019 No. 7267” (To update and consolidate offences relating to nuisances, disturbances and uncivil behaviour) pass first reading;
2. “Public Nuisance Bylaw 2019 No. 7267” pass second reading;
3. “Public Nuisance Bylaw 2019 No. 7267” pass third reading;
4. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05 (To include new offences and an updated fine schedule) pass first reading;
5. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05” pass second reading; and,
6. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05” pass third reading.

BACKGROUND

The City of Nanaimo’s “Public Nuisance Bylaw 2003 No. 5648” was enacted in 2003 to provide police with enforcement measures to address nuisances, disturbances and uncivil behaviours, particularly in relation to the downtown core and entertainment district.

It is proposed that the “Public Nuisance Bylaw 2003 No. 5648” be repealed and replaced with an updated “Public Nuisance Bylaw 2019 No. 7267” which includes new offences and an updated fine schedule. Features of the new bylaw would include:

- The offence of “public urination, vomiting or defecation” would include provisions for a “reasonable excuse” where the contravention was inevitable or unavoidable (not including the consequences of consuming alcohol or narcotics).
- New offences relating to public nudity and engaging in indecent acts.
- Prohibiting the entry into City Parkades for purposes other than parking or removing a vehicle. (This is currently an offence set out in the City of Nanaimo “Traffic and Highways Regulation Bylaw 1993 No. 5000.”)

- A new offence relating to the placing or scattering of chattels on a sidewalk, highway, park or public place, and measures to remove, impound or dispose of objects. (This adds clarity to an offence set out in the "Traffic and Highways Regulation Bylaw 1993 No. 5000.")
- A new offence for consuming liquor in any Park or unlicensed public place.
- A new offence for obstructing, interfering with, or hindering a Peace Officer or City employee in the performance of their duties.
- New offences related to smoking in specified locations.

The proposed bylaw updates and consolidates offences relating to nuisances, disturbances and uncivil behaviour commonly addressed by police and City bylaw officers, particularly in respect to the downtown and entertainment district.

The penalty for all offences described in the "Public Nuisance Bylaw 2003 No. 5648" was \$150.00. The penalty for all offences in the new "Public Nuisance Bylaw 2019 No. 7267" is \$250.00 with two exceptions: Graffiti offences carry a fine of \$500.00 and smoking offences are \$150.00.

An amendment of the "Bylaw Notice Enforcement Bylaw 2012 No. 7159" is required for ticketing and enforcement of the penalty sections of the "Public Nuisance Bylaw 2019 No. 7267".

OPTIONS

A. That:

1. "Public Nuisance Bylaw 2019 No. 7267" (To update and consolidate offences relating to nuisances, disturbances and uncivil behaviour) pass first reading;
2. "Public Nuisance Bylaw 2019 No. 7267" pass second reading;
3. "Public Nuisance Bylaw 2019 No. 7267" pass third reading;
4. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05 (To include new offences and an updated fine schedule) pass first reading;
5. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" pass second reading; and,
6. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" pass third reading.

B. That Council provide Staff with alternative direction.

SUMMARY POINTS

- The "Public Nuisance Bylaw 2003 No. 5648" was used almost exclusively by police to ameliorate nuisances, disturbances and uncivil behaviour matters, particularly in the downtown core and entertainment district.

- The newly proposed “Public Nuisance Bylaw 2019 No. 7267” provides important amendments, new offences and updated fine amounts to assist police and City bylaw officers to eliminate nuisances, disturbances and occurrences of uncivil behaviour.
- New offences relating to public nudity, indecent acts, unlawful entry into City Parkades, chattel obstruction, unlawful consumption of liquor, obstruction of Peace Officers and smoking in parks or certain public places are introduced.

ATTACHMENTS

Attachment A: “Public Nuisance Bylaw 2019 No. 7267”

Attachment B: “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05”

Submitted by:

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Concurrence by:

Karen Fry
Director of Public Safety