

CITY OF TERRACE

BYLAW NO. 2257 - 2022

"A BYLAW OF THE CITY OF TERRACE TO REGULATE THE QUALITY OF LIFE IN PUBLIC PLACES FOR THE CITIZENS OF THE CITY OF TERRACE."

WHEREAS the Council for the City of Terrace desires to protect Quality of Life for its citizens, and endeavors to promote civic responsibility, and further, strives to encourage good relationships between residents

AND WHEREAS Section 8 of the Community Charter empowers a Council, by bylaw, to regulate, prohibit and impose requirements respecting persons, property, things and activities in relation to public places;

AND WHEREAS under Sections 8 and 64 of the Community Charter, Council may, by bylaw, regulate, prohibit and impose requirements in relation to nuisances, disturbances and other objectionable situations;

NOW THEREFORE the Municipal Council of the City of Terrace, in open meeting assembled, hereby enacts as follows:

1.0 DEFINITIONS:

In this Bylaw:

- 1.1 *"Director" means the Director of Development Services for the City of Terrace or his/her designate.*
- 1.2 *"Enforcement Officer" means a Bylaw Compliance Officer or Animal Control Officer designated by the City of Terrace, the Director as defined in this Bylaw, or a member of the Royal Canadian Mounted Police (RCMP).*
- 1.3 *"Person" includes a natural person(s), a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law.*
- 1.4 *"Public Place" means any lands or portions of lands owned or leased by the City of Terrace to which the public is ordinarily invited or permitted to be in or on, and includes, but is not limited to, the grounds of public facilities or buildings, parks, boulevards, highways, greenbelts, public transit exchanges, Sidewalks, transit shelters or bus stops, public parkades and parking lots;*

- 1.5 **“Rubbish”** means decaying or non-decaying solid and semi-solid wastes, including but not limited to paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, boxes, and lumber.
- 1.6 **“Sidewalk”** means the area improved for use of pedestrians between the curb-line or lateral lines of a roadway and the adjacent property lines.
- 1.7 **“Smoke or Vape”** includes the following: a) smoke or hold lighted cannabis, tobacco, or other substances; b) use or hold a device that is vaporizing cannabis, tobacco, or other substances for inhalation or release into the air.
- 1.8 **“Panhandling”** means to ask for, or solicit without consideration, money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture for one’s self or for any other **Person** but does not include solicitation where and when approved by the City.

2.0 INTERPRETATION

- 2.1 Words or phrases defined in the British Columbia Interpretation Act, Motor Vehicle Act or Local Government Act or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 2.2 Section 1 contains definitions of terms used in this Bylaw.
- 2.3 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 2.4 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.
- 2.5 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

3.0 GENERAL REGULATIONS

- 3.1 No **Person** shall obstruct or interfere with an **Enforcement Officer** in the exercise of their duties.

4.0 PUBLIC PLACE NUISANCES

4.1 No Person shall in a Public Place:

- (a) urinate or defecate;*
- (b) participate in a violent confrontation or struggle;*
- (c) cause a disturbance by:
 - (i) using abusive language in a **Public Place**;*
 - (iii) being intoxicated in a **Public Place**.**

- (d) scatter, dump, or dispose of any **Rubbish** or other material, liquid or solid, and whether or not it is likely to injure any **Person**, animal or cause damage to a vehicle; **Owner** or **Occupier** thereof;*
- (e) cut, remove or damage any tree, shrub or flower plant, bush or hedge;*
- (f) deface or damage any roadway, street, **Sidewalk**, ditch or fence or anything erected or installed thereon;*
- (g) dispose, place or leave any substance having a damaging or destructive effect upon the concrete, asphalt, bushes, shrubs, or trees, or grass situated thereon; or*

5.0 PANHANDLING

5.1 No Person shall Panhandle by:

- a) sitting or laying on a **Sidewalk** in a manner which obstructs or impedes the convenient passage of pedestrian traffic.*
- b) continuing to **Panhandle** a **Person**, or follow that **Person**, after that **Person** has made a negative response;*
- c) Physically approaching and **Panhandling** from a pedestrian as a member of a group of two or more **Persons**;*
- d) **Panhandling** within 5m of:
 - i. An automated teller machine*
 - ii. An entrance to a bank, credit union, or trust company*
 - iii. A public toilet facility*
 - iv. A bus stop or bus shelter*
 - v. The entrance to a liquor store: or*
 - vi. The entrance to a storefront cannabis retail store*
 - vii. The entrance to a commercial building**

5.2 No Person shall Panhandle from a driver or passenger of a motor vehicle:

- a) while the motor vehicle is parked;*
- b) while the motor vehicle is stopped at a traffic control signal;*
- c) while a **Person** is in the process of getting in, out of, on, or off of a vehicle or who is in a parking lot.*
- d) in a manner which obstructs or impedes the convenient passage of any vehicular traffic in a street or parking lot.*

5.3 No **Person** shall **Panhandle** in an aggressive manner that would cause a reasonable **Person** to be concerned for his or her safety or security.

6.0 PUBLIC SPACE OBSTRUCTION

6.1 No **Person** or group of **Persons** shall occupy any **Public Place** in such a manner as to obstruct, impede or interfere with traffic or the regular or intended use of the **Public Place**.

6.2 Placement or installation of items, such as but not limited to tables, chairs, blankets, or temporary shelters, are not permitted on **Sidewalks** unless authorized by the City of Terrace.

7.0 SMOKING AND VAPING

7.1 A person must not **Smoke or Vape**:

- a) in, or within six (6) metres of, an enclosed or partially enclosed shelter where persons wait to board a vehicle for hire or public transit;
- b) within six (6) metres of a sign post or sign designating a place where persons wait to board a vehicle for hire or public transit;
- c) within six (6) metres measured on the ground from a point directly below any point of any opening into any building including any entry way, door, or window that opens or any air intake;
- d) or within six (6) meters of a public bench or public washroom.

7.0 ENFORCEMENT AND PENALTIES

7.1 This Bylaw may be enforced by means of a municipal ticketing information system. Every **Person** who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw is guilty of an offence.

7.2 Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.

7.3 Every person who commits an offence is liable on summary conviction to a fine of not less than one hundred dollars (\$100) and not more than fifty thousand dollars (\$50,000) and the cost of prosecution.

8.0 CITATION

8.1 This Bylaw may be cited as “City of Terrace Safe Streets Bylaw No. 2257 - 2022”.

READ a first time this 27th day of June, 2022.

READ a second time this 27th day of June, 2022.

READ a third time this 27th day of June, 2022.

ADOPTED this 11th day of July, 2022.

Deputy Mayor

Clerk