



CITY OF PRINCE GEORGE

Safe Streets Bylaw

Bylaw No. 9209, 2021

CONSOLIDATED VERSION

CONSOLIDATED FOR CONVENIENCE

Revised: July 25, 2022

CONSOLIDATED VERSION**“CITY OF PRINCE GEORGE SAFE STREETS BYLAW NO. 9209, 2021”**

This is a consolidation of the bylaws listed below and includes amendments up to the date noted on the cover page. This document is for convenience only and is not the legal or official version. Certified copies of the original bylaws should be consulted for all interpretations and applications of the subject Bylaw. Copies can be obtained through the Legislative Services Division at City Hall by contacting (250) 561-7792 or cityclerk@princegeorge.ca.

<u>AMENDING BYLAW</u>	<u>EFFECTIVE DATE</u>	<u>AMENDMENT(S)</u>
Bylaw No. 9326, 2022	July 25, 2022	Section 2.1; Section 3.8; and Part 5

CITY OF PRINCE GEORGE
BYLAW NO. 9209, 2021

**Amending
Bylaws**

A Bylaw of the City of Prince George to regulate and control unlawful occupation.

WHEREAS Council has deemed it desirable to enact a Bylaw for the protection, promotion and preservation of the health and safety of the habitants of the City of Prince George to peacefully use and enjoy public spaces in the City;

AND WHEREAS section 8(3)(h) of the *Community Charter* provides Council the authority to prevent, abate and prohibit nuisances for the protection and enhancement of the well-being of its community in relation to matters referred to in section 64 of the *Community Charter* [nuisances, disturbances and other objectionable situations];

NOW THEREFORE, pursuant to section 64 of *Community Charter*, the Council of the City of Prince George, in open meeting assembled, **ENACTS AS FOLLOWS**:

PART 1: Title

This Bylaw may be cited as the “City of Prince George Safe Streets Bylaw No. 9209, 2021”.

PART 2: Definitions

2.1 In this Bylaw:

- (a) **Automated Bank Teller Machine** means a device linked to a financial institution’s account records which is able to carry out transactions;
- (b) **Bus Stop** means a section of the street which is reserved for the loading and unloading of buses;
- (c) **“Bylaw Officer”** means a bylaw enforcement officer of the City of Prince George;
- (d) **“Chattel”** means any item of moveable personal property, but does not include an automobile;
- (e) **Financial Institution** includes a bank, credit union, cheque cashing business and trust company;
- (f) **Graffiti** means letters, symbols or marking made on any structure, building, thing or property without the prior written authorization of the property owner OR the City of Prince George;

9310, 2022

9310, 2022

9310, 2022

- (g) **“Manager”** means the Manager of Bylaw Services for the City of Prince George, and includes any person duly authorized to act on the Manager’s behalf;
- (h) **Obstruction** means:
- (i) To sit or lie on a street or erect a chattel or personal property in a manner which obstructs or impedes the convenient passage of any pedestrian traffic in a street;
 - (ii) To continue to solicit from or otherwise harass a pedestrian after that person has made a negative initial response to the solicitation or has otherwise indicated a refusal; or
 - (iii) To physically approach and solicit from a pedestrian as a member of a group of three (3) or more persons.
- (i) **Open Drug Use** means injecting, inhaling, smoking or any other method of consumption of any prohibited drug listed in the *Controlled Drugs and Substances Act (Canada)* on a street, roadway, Open Space Area or Park, the latter two which are defined terms in the “Parks and Open Space Bylaw No. 7370, 2002” as amended from time to time;
- (j) **Open Air Burning** means burning of any kind, of any material, for a non-commercial purpose that takes place outside of a building, structure, accessory building or commercial establishment, or anywhere else outdoors;
- (k) **Roadway** means a highway, road, street, lane, ditch, or right of way, including the shoulder of any of them, that is improved, designed or ordinarily used by the general public for the passage of vehicles;
- (l) **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;
- (m) **Street** means any roadway, sidewalk, boulevard, doorway, entrance, egress, place or way which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;
- (n) **Traffic Control Signal** means a traffic control signal as defined in the *Motor Vehicle Act, RSBC 1996, c 318*;

(o) **Vehicle** includes non-motorized vehicles.

PART 3: Prohibitions

- 3.1 No person may sit, lie, solicit or physically approach in a manner that causes an Obstruction on a Street or Roadway.
- 3.2 No person shall Solicit within ten metres (10 m) of:
- a) an entrance to a Financial Institution;
 - b) an Automated Bank Teller Machine;
 - c) a Bus Stop;
 - d) a daycare centre;
 - e) the entrance to a liquor store;
 - f) an entrance to a licensed non-medical cannabis retailer; or
 - g) restaurants, coffee shops or convenience stores.
- 3.3 No person shall Solicit from a driver or passenger of a vehicle:
- a) while the vehicle is parked;
 - b) while the vehicle is stopped at a Traffic Control Signal;
 - c) while the driver or passenger is at a gas station and in the act of filling the vehicle with fuel; or
 - d) in a manner which obstructs or impedes the convenient passage of any vehicular traffic in a Street or Roadway.
- 3.4 No person shall Solicit any person after sunset on any given day.
- 3.5 No person shall cause or permit Open Drug Use or dispose of drug paraphernalia on a Street, Roadway, Open Space Area or Park.
- 3.6 No person shall cause or permit Open Air Burning on any Street, Roadway, Open Space Area or Park.
- 3.7 No person shall cause or permit Graffiti to be placed where it is visible from an adjacent property or public place.

- 9310, 2022 3.8 No person shall deposit, place, leave, or abandon a chattel or other item of personal property on a Street or Roadway in a manner that causes an Obstruction of the Street or Roadway.

PART 4: Offence and Penalty

- 4.1 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 and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 4.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, to a maximum of \$50,000 in fines or six (6) months incarceration as authorized by the *Community Charter*.

9310, 2022 **Part 5: Seizure of Chattels**

- 5.1 The Manager, a member of the Royal Canadian Mounted Police - Prince George Detachment, or a Bylaw Officer, may remove, seize, and impound, or cause the removal, seizure, or impoundment of, any chattel or other personal property that is causing an Obstruction of a Street or Roadway contrary to section 3.8 of this Bylaw.
- 5.2 After the removal, seizure, or impoundment of the chattel or other personal property under section 5.1, a person entitled to its possession may obtain its release by contacting the Manager during regular business hours, and providing the Manager with satisfactory evidence that the chattel or other personal property is the property of that person
- 5.3 The Manager may cause a chattel or other personal property that has been removed, seized, or impounded under section 5.1 of this Bylaw to be sold, by public auction, to the highest bidder if:
- a) the person entitled to possession of the chattel or personal property has not claimed it under section 5.2 within 30 days following its removal, seizure, or impoundment; and
 - b) it appears to the Manager that the chattel has market value.
- 5.4 The Manager shall cause a chattel removed, seized, or impounded under this Bylaw to be disposed of as garbage if:
- a) the person entitled to possession of the chattel has not claimed

it under section 5.2 within 30 days following its removal, seizure, or impoundment; and

b) it appears to the Manager that the chattel has no market value.

5.5 Where a chattel is sold at public auction under section 5.3, the proceeds of such sale shall be applied by the City as follows:

a) firstly, to pay the costs of the auction;

b) secondly, to pay all removal and storage costs incurred by the City in relation to the chattel or other personal property; and

c) thirdly, where any surplus remains, to pay such surplus to the person entitled if that person's identity and location are known.

5.6 Where a surplus referred to in section 5.5(c) remains and the identity or location of the person entitled to it is unknown, the surplus shall be applied by the City as follows:

a) the surplus shall be held for one (1) year following the date of the auction; and

b) if the surplus has not been claimed by the person entitled within one (1) year of the date of the auction, the surplus shall be paid into the general revenue of the City and shall be absolutely forfeited to the City.

READ A FIRST TIME THIS **14TH** DAY OF **JUNE**, **2021.**

READ A SECOND TIME THIS **14TH** DAY OF **JUNE**, **2021.**

READ A THIRD TIME THIS **14TH** DAY OF **JUNE**, **2021.**

All three readings passed by a **MAJORITY** decision of Members of City Council present and eligible to vote.

ADOPTED THIS **30TH** DAY OF **AUGUST**, **2021.**

BY A **MAJORITY** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

Lyn Hall

 MAYOR

Maureen Connelly

 DEPUTY CORPORATE OFFICER