

**TOWN OF QUALICUM BEACH  
BYLAW NO. 624**

**A Bylaw to Prevent and Prohibit Nuisances and Disturbances  
on a Highway or a Public Place**

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WHEREAS the Town of Qualicum Beach 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 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

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

NOW THEREFORE the Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

**1. Title**

This Bylaw may be cited as the "Town of Qualicum Beach Public Nuisance and Disturbances on a Highway or a Public Place Bylaw No. 624, 2008".

**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 vehicles, has access or is invited; and every place or passage way owned or operated by the Town of Qualicum Beach for the purpose of providing off-street parking;

"Municipality" means the Town of Qualicum Beach;

"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**

- (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.
- (2) No person shall impede or obstruct any other person on a highway or other public place, excluding lawful picketing as provided in the B.C. Labour Code.
- (3) No person shall stand on a highway or in a public place in such a manner which impedes or obstructs the free movement of other persons or vehicular traffic.
- (4) No person shall participate in a fight or other similar physical confrontation on a highway or other public place.
- (5) No person shall deposit or throw bottles, broken glass or other rubbish on any highway or other public place.
- (6) No person shall place graffiti on walls, fences or other structures in or visible from a highway or other public place.
- (7) No person shall urinate or defecate on a highway or other public place except in a facility so designed for such a purpose.

**4. Exemptions**

Bylaw Enforcement Officers, on-duty Town of Qualicum Beach employees and persons authorized by the Town of Qualicum Beach 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 this Bylaw.

**5. Enforcement**

Bylaw Enforcement Officers and R.C.M.P. members are hereby authorized to enforce this Bylaw by means of a Municipal Ticket Information.

**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).

**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.

READ A FIRST TIME this 10<sup>th</sup> day of March, 2008.

READ A SECOND TIME this 26<sup>th</sup> day of March, 2008.

READ A THIRD TIME this 26<sup>th</sup> day of March, 2008.

ADOPTED this 7<sup>th</sup> day of April, 2008.

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Teunis Westbroek, Mayor

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Trudy Coates, Corporate Administrator