

CORPORATION OF THE CITY OF NEW WESTMINSTER



PUBLIC NUISANCE BYLAW NO. 6478, 1998

EFFECTIVE DATE: JUNE 1, 1998

CONSOLIDATED FOR CONVENIENCE ONLY
(March 13, 2000)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW

EFFECTIVE DATE

6554
6601

September 13, 1999
March 13, 2000

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 6478, 1998 . The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

Price:

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 6478, 1998

(a Bylaw to assist in drug enforcement)

WHEREAS:

- A. the City of New Westminster owns its highways and sidewalks;
- B. the Municipal Act permits Council, by bylaw, to regulate all uses of, or involving, a highway or any portion of it and to prevent nuisance behaviour on highways and other public places;
- C. the Municipal Act further prohibits a person from causing a nuisance on, or obstructing any portion of, a highway or other public place;
- D. the Motor Vehicle Act permits Council, by bylaw, to provide for the regulation, control or prohibition of pedestrian traffic and the enforcement of such bylaws by fine or imprisonment, or both;
- E. certain areas of the City have increasingly become centres for trafficking in Controlled Substances and nuisance behaviour associated with trafficking in Controlled Substances;
- F. this concentration of Controlled Substance activity:
 - i. contributes to the degradation of these areas;
 - ii. adversely affects the overall quality of life for the area's residents, businesses and visitors;
 - iii. threatens the health, comfort, convenience, safety and welfare of citizens using a highway or other public place in those areas; and
 - iv. threatens the economic viability and the comfort, safety, and convenience of businesses which operate in these areas;
- G. persons arrested in these areas for Controlled Substance offences and subsequently convicted of the offences are known to return to the same location or general vicinity of their offence to continue the illegal behaviour because the area has either proven to be a lucrative place for trafficking in Controlled Substances, or is attractive for using or purchasing Controlled Substances;

- H. the crimes of possession of a Controlled Substance, trafficking in a Controlled Substance and possession for the purpose of trafficking in a Controlled Substance have a significant adverse impact on the areas in which they are committed;
- I. the City has a substantial and compelling interest in allowing the public to use and enjoy highways and other public places in these areas without interference arising from nuisance related behaviour, including the sale and use of Controlled Substances in these areas;
- J. traditional arrest and prosecution strategies are only part of an overall strategy to adequately control Controlled Substance sale and use activity in these areas;
- K. the City and its Council recognize that persons who have been convicted of a Controlled Substance offence may reside or work in, or have a need to enter an Anti-Nuisance Zone to appear for Court or corrections obligations, meet with legal counsel or receive social services;
- L. the City does not intend to prevent travel directly to or from such meetings or official obligations; and
- M. the trafficking and use of Controlled Substances and related activities in these areas is a nuisance for residents, businesses and visitors.

NOW THEREFORE THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled **HEREBY ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Public Nuisance Bylaw No. 6478, 1998".

2. Definitions

In this Bylaw:

- a. **"Access"** means the movement on foot or in a vehicle through an Anti-Nuisance Zone from one point to another without delay other than to obey traffic control devices;
- b. **"Act"** means the Controlled Drugs and Substances Act;

- c. **“Anti-Nuisance zone”** means those areas of the City which are centres for trafficking in, and use of, Controlled Substances and conduct associated with trafficking in Controlled Substances or areas to which such conduct will likely be displaced;
 - d. **“City”** means the Corporation of the City of New Westminster;
 - e. **“Code”** means the Criminal Code of Canada;
 - f. **“Controlled Substance”** includes narcotics, controlled drugs and other controlled substances as set out in the Act;
 - g. **“Excluded Person”** means a person who, after adoption of this Bylaw, is convicted of a Nuisance Activity;
 - h. **“Highway or other public place”** includes every road, street, boulevard, sidewalk, lane, bridge, viaduct, any other way open to public use including up to the entrances to any residence or business;
 - i. **“Nuisance Activity”** means the offence of possession for the purposes of trafficking or trafficking in a Controlled Substance contrary to the Act or conspiracy to commit one of the above offence contrary to the Code where such offence was committed on a highway or other public place;
 - j. **“Person”** means a natural person.
3. The Anti-Nuisance Zones are hereby designated and are set out in Schedule 1 attached to and forming part of this Bylaw.

Bylaw No. 6554, 1999

4. No person shall, **within the boundaries of an Anti-Nuisance Zone:**
- a. urinate or defecate on a highway or other public place;
 - b. impede or obstruct any other person on a highway or other public place, excluding lawful picketing as provided in the B.C. Labour Code;
 - c. stand or congregate on a highway or other public place in such a manner which impedes or obstructs the free movement of other persons or vehicular traffic;

- d. place graffiti on walls, fences or elsewhere, or on adjacent to, a highway or other public place; and
- e. deposit or throw bottles, broken glass or other rubbish on any highway or other public place.

Bylaw No. 6601,2000 (deletes Section 5 – 8 inclusive)

- 9. Any person who violates the provisions of this Bylaw or permits an act or thing to be done in contravention of this Bylaw, commits an offence against this Bylaw and shall be liable to a fine or not more than the maximum penalty provided by the Offence Act and, where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- 10. If any section or part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid section or part shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.

SCHEDULE 1

Area 1

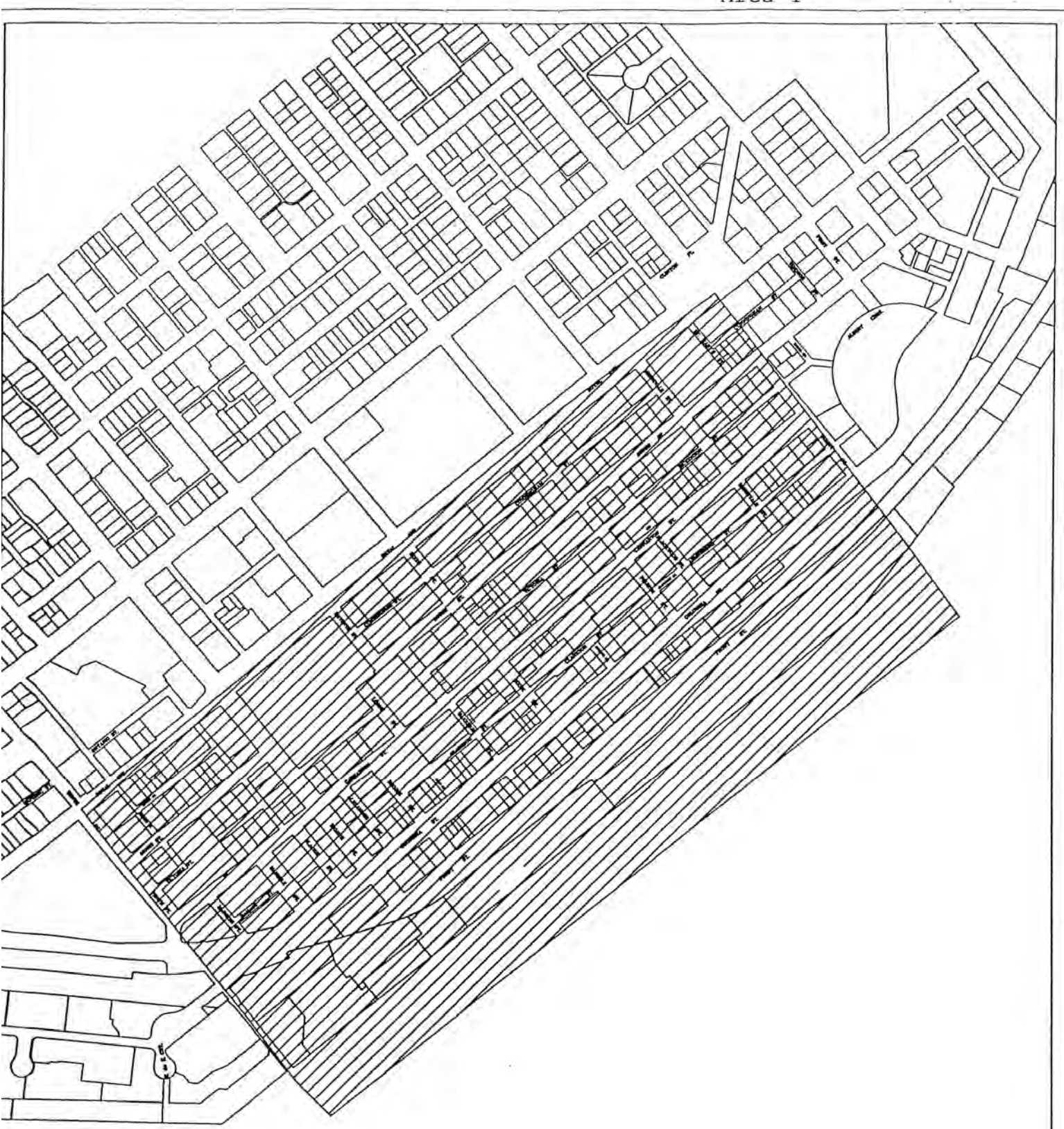
Bounded by 10th Street and its line continuous to the Fraser River, Royal Avenue, Elliott Street and its line continuous from Royal Avenue to the Fraser River.

Area 2

Bounded by 10th Avenue , 10th Street, Royal Avenue continuous to Columbia Street and Stewardson Way and 14th Street.

Area 3

Bounded by 8th Avenue, 18th Street, 6th Avenue continuous to Marine Way, 20th Street, 7th Avenue and 23rd Street.



AREA 1

Tkuhlman



Corporation of the City of New Westminster
For Reference Only: -
The City accepts no responsibility for the accuracy or completeness of this drawing.

Scale: 1:8104 (Metric)
Date: May 04, 1998

MAPS



AREA 3

Tschlman



Corporation of the City of New Westminster
 For Reference Only: -
 The City accepts no responsibility for the accuracy or completeness of this drawing.

Scale: 1:7000 (Metric)
 Date: May 04, 1998

MAPS