

The Corporation of the City of Penticton

Bylaw No. 2025-35

A bylaw to support a safe, secure and healthy community.

WHEREAS the purposes of a municipality include providing for good government of its community; providing for services, laws and other matters for community benefit; providing for stewardship of the public assets of its community, and fostering the economic, social and environmental well-being of its community;

AND WHEREAS the Council of the City of Penticton wishes to promote well-being, quality of life, and community safety for its residents and visitors;

AND WHEREAS the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to: persons, property, things and activities that are in, on or near public places; nuisances, and disturbances;

AND WHEREAS except as permitted by bylaw or another enactment, a person must not cause a nuisance on, obstruct, foul or damage any part of a highway or other public place;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

Citation

1. This bylaw may be cited for all purposes as the "Safe Public Places Bylaw No. 2025-35."

Severability

2. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Definitions

3. In this bylaw:

AUTOMATED BANK TELLER MACHINE means a device linked to a financial institution's account records which is able to carry out transactions, including, but not limited to, account transfers, withdrawals, deposits, balance inquiries, and mortgage and loan payments, but does not include a personal electronic device;

BUS STOP means a section of a street which is reserved for the loading and unloading of buses and where parking and stopping of all other vehicles is prohibited;

BYLAW ENFORCEMENT OFFICER means every person employed by the City of Penticton for the purpose of enforcement of the City's bylaws and includes members of the RCMP;

CITY means the Corporation of the City of Penticton;

COUNCIL means the Council of the City of Penticton;

CONTROLLED SUBSTANCE means any controlled substance as defined or described in Schedules I,II or III of the *Controlled Drugs and Substances Act*, 1996 chapter 19, as amended from time to time;

DISCRIMINATORY HARASSMENT includes the use of any words or conduct in relation to a person's indigenous identity, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, that could reasonably cause offence or humiliation, demean a person, or otherwise detrimentally affect a person's use of a **public place**;

DISORDERLY CONDUCT means conduct which would cause a public disturbance or constitute a public nuisance, and includes engaging in any activity or behaviour that could reasonably be expected to **obstruct** or **impede** other members of the public from using a **public place**, or a portion of feature of a **public place**, for its intended purpose;

DRUG PARAPHERNALIA means equipment, products or accessories intended or modified for consuming a **controlled substance**;

FINANCIAL INSTITUTION includes a bank, credit union, cheque cashing business and trust company;

LOITER means to use or occupy a space other than for its intended purpose or to occupy a space such that it is not usable by others;

PUBLIC PLACE means any real property or portions of real property owned or leased by the City to which the public ordinarily has either express or implied access;

SOLICIT means to ask for money, donations, goods or other things of value whether by spoken, written or printed word, or bodily gesture;

TEMPORARY OVERNIGHT SHELTER means a temporary overnight shelter permitted under Parks Regulation Bylaw No. 2025-15, as may be amended from time to time, or such successor bylaw in function;

VANDALIZE means to, without express authority, remove, destroy, damage, deface, render inoperable, or otherwise alter the appearance, characteristics, or features of a thing.

Applicability

4.1 Subject to section 4.2, this bylaw applies to all **public places** in the City of Penticton.

4.2 Section 7.1(g) of this bylaw does not apply to:

- (a) supervised consumption or overdose prevention facilities operated by or on behalf of Interior Health or BC Housing or personnel operating for or on behalf of Interior Health or BC Housing;
or
- (b) **Temporary overnight shelters.**

Solicitation

- 5.1 No person may **solicit** in a manner that obstructs or impedes the safe and efficient movement of pedestrian and vehicle traffic in, on, or through a **public place**, including where such **solicitation** includes:
- (a) to sit or lie on a street or sidewalk in a manner which obstructs or impedes the convenient passage of any pedestrian or vehicular traffic while **soliciting**;
 - (b) to continue to **solicit** from, obstruct, or impede a pedestrian after that person has made a negative initial response to the solicitation or has otherwise indicated a refusal; and
 - (c) to physically approach and solicit from a pedestrian as a member of a group of two or more persons.
- 5.2 No person shall solicit in a **public place** within 5 metres of:
- (a) an entrance to a **financial institution**;
 - (b) an **automated teller machine**;
 - (c) a **bus stop**;
 - (d) a daycare centre, schools, or seniors residences;
 - (e) 200 or 300 block Main Street Breezeways;
 - (f) an entrance to any public park or public trail; or
 - (g) an entrance to any building, or facility owned or operated by the City or that is located on property owned or leased by the City.
- 5.3 No person shall solicit in a **public place** within 1 metre of the entrance to a retail store, without express permission from the retailer.
- 5.4 No person shall **solicit** from a driver or passenger of a motor vehicle in a manner which obstructs or impedes the safe and efficient movement of any vehicular traffic on a street or otherwise through a **public place**.

Obstruct or Impede the Use of a Public Place

- 6.1 While in or on a **public place**, a person must not obstruct or impede the use of such **public place**, or any portion or feature of such **public place** by any other person, including where such obstruction or impediment is the result of a person:

- (a) other than in relation to a permitted **temporary overnight shelter**, remaining in or refusing to leave a **public place** after it is closed to the public or when asked to leave by a Bylaw Enforcement Officer or other City employee pursuant to a provision of a lawfully enacted bylaw or statute;
- (b) **loitering** in any washroom or change-room within a **public place**; or
- (c) climbing a building, structure or improvement unless it is designed and intended or provided for climbing.

6.2 While in or on a **public place**, a person must not **obstruct** or **impede** a **bylaw enforcement officer** or any other employee of the City in the performance of their duties.

Safe Use of Public Places and Public Nuisances

7.1 While in or on a **public place**, a person must not:

- (a) participate or engage in **disorderly conduct**;
- (b) participate or engage in **discriminatory harassment** of another person;
- (c) urinate or defecate other than in a facility designated for such purpose;
- (d) carry on or permit an activity of a hazardous or unsafe nature which may cause injury, harm or damage to a person or to a building, structure, or improvement;
- (e) **vandalize** any building, structure, improvement, chattel, tree, or shrub that is either in a **public place** or that is adjacent to a **public place** while that person is in a **public place**;
- (f) abandon or discard any items or personal property in a **public place**;
- (g) consume or possess an open alcoholic beverage; unless that person complies with the Liquor Control and Licensing Act, R.S.B.C., c. 267, has been issued a permit, or is in an area designated by the City for the consumption of alcohol on the terms and conditions under which such area is designated, including but limited to those areas designated pursuant to Liquor Consumption (Okanagan Beach, Rotary Park, Okanagan Lake Park, Marina Way Park, Marina Way Beach, Skaha Lake Park, and Sudbury Beach) Bylaw No. 2023-05, as may be amended from time to time, or such successor bylaw in function;
- (h) display or use **drug paraphernalia** or a **controlled substance**, except in areas designated as per section 4.2; or
- (i) endanger life, safety, health, or property.

Offence, Penalties and Enforcement

- 8.1 Every person who:
- (a) violates any provision of this bylaw, or causes or allows any of the provisions of this bylaw to be violated;
 - (b) fails to comply with any of the provisions of this bylaw;
 - (c) neglects or refrains from doing anything required under this bylaw; or
 - (d) suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw;

is deemed to have committed an infraction of, or an offence against, this bylaw and is liable on summary conviction to the maximum penalties as specified in section 263(1)(b) of the *Community Charter*.

- 8.2 For continuing offences, each day that such violation is caused, or allowed to continue, constitutes a separate offence.

Repeal

- 9.1 "Safe Public Places Bylaw No. 2023-06" is hereby repealed upon the adoption of this Bylaw.

READ A FIRST time this	day of	, 2025
READ A SECOND time this	day of	, 2025
READ A THIRD time this	day of	, 2025
ADOPTED this	day of	, 2025

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer