

GUIDE TO PEACEFUL PUBLIC ASSEMBLY
IN THE CITY OF PORT MOODY

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Definitions

Assembly – the action of gathering as a group for a common purpose.

Organizer – the person whose job it is to organize the details of the public assembly to ensure all elements work together effectively.

Demonstration – means a group of people gathering together in favour of a political or other cause, or people participating in a protest against a cause of concern, that knowingly attracts or invites public participation, and which limits general public access to a portion of a public area, Park, or Community Facility.

Gathering – the coming together as a group for a common purpose.

Grey Water – relatively clean wastewater generated from washing hands, dishes, food, surfaces, etc. Grey water at a public gathering is generally generated through hand wash stations, food preparation, water used in face painting, etc.

Highway Use Permit – a permit required for any event, gathering, or action that may disrupt the normal flow of activity on pedestrian or vehicle access routes.

Holding Tank – an enclosed container to hold unclean water from washing stations.

Major Demonstration – an action by a mass group or collection of groups of people in favour of a political or other cause, or people participating in a protest against a cause of concern.

Sign Permit – a permit required for the installation of freestanding, “permanent” signage including fascia signs and banners.

Contact the City

Events Assistant | AMartin@portmoody.ca | 604-469-4669

Introduction

The purpose of this Guide to Peaceful Public Assembly in the City of Port Moody is to provide general information on how the City of Port Moody manages public assembly and demonstrations. Maintaining the public safety is a critical function of this document. It is, however, a challenging responsibility as the City must use discretion and balance the right to peaceful assembly while protecting vulnerable populations, and property.

Public gatherings of various sizes occur throughout Port Moody every year. These range from large planned public demonstrations to less structured gatherings and protests. Because gatherings and protest can range from small, isolated activities to major demonstrations drawing the attention of others, it is important to recognize that a small crowd has the potential to evolve into a major demonstration whether it is planned or not. While these gatherings are usually peaceful with minimal disruption to the public, some are not; these are characterized as “high risk” demonstrations. These high-risk demonstrations may require police or other City intervention to ensure the safety of everyone.

This Guide to Peaceful Public Assembly aims to support and facilitate public gatherings in the City of Port Moody. As such, some of the guidelines may not apply to your gathering, but rather specifically apply to the way in which we respond to potentially “high-risk” demonstrations which may, from time to time, require City facilitation to maintain the safety of your group and the general public.

For successful Peaceful Public Assembly, we recommend you establish:

- Responsible leadership,
- Careful planning,
- Good organization,
- Provisions against the unexpected, and
- Methodical ‘follow through’ and evaluation.

The information contained within these guidelines is designed to help organizers plan and execute successful Peaceful Public Assembly though it is not intended to be a complete instructional manual. It lays out the City’s expectations of an organizer as well as informs the organizer of how the City may be able to assist.

General Guidelines

As part of a major metropolitan region, Port Moody continues to be influenced by many of the same social, economic, and environmental issues that face other communities within Metro Vancouver and urbanized areas worldwide. Change in all aspects of daily life is occurring at a heightened pace and transforming the nature of cities and smaller communities. We recognize the primary importance of maintaining a positive, open, and respectful relationship with our community. As our community changes, we must remain aware of the new perspectives, experiences, and expectations of both new and long-term residents.

The City recognizes the right to lawful protest, and that at times the rights of demonstrators will collide with the rights of others, thus discretion to enforce the law is necessary and desirable. Due to the constant evolution of the law and surrounding circumstances, these guidelines will also evolve congruent with any changes.

Section 2 of the *Canadian Charter of Rights and Freedoms* sets out the fundamental freedoms, including freedom of peaceful assembly. The *Charter* is the highest law in Canada. As such, all federal and provincial statutes, as well as municipal by-laws, must be compliant with the *Charter*. In addition to the *Charter*, there is a long-standing recognition by the Courts that the use of police discretion in consideration of the proportionality to the material circumstances is entirely appropriate.

Peaceful Public Assembly Guiding Principles

While the *Charter* enshrines the public's right to lawful assembly, there is often a tension between that right and other statutory laws such as the *Provincial Motor Vehicle Act* (and associated *Highway Use Permit*) and the City of Port Moody *Parks and Community Facilities Rules and Regulations Bylaw*. This tension requires the City to occasionally make difficult and carefully thought-out decisions in these situations to ensure the safety and integrity of all community members. Additionally, it is the City's duty to protect the right to peaceful assembly while first and foremost ensuring the safety and accommodation of all patrons in the City's parks and other public spaces, regardless of "race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age".

Responsibility

These guidelines are not intended to be an instructional manual on how to organize a gathering or public demonstration. As the organizer, it is your responsibility to ensure that you have the necessary knowledge, experience, and resources required to successfully organize your event.

As the organizer, you assume the responsibility of all aspects of your gathering. You may choose to delegate, assign, or contract out certain aspects of the planning and implementation; however, you are ultimately responsible for ensuring that all aspects of your gathering comply with Provincial Laws, City Bylaws, City Policies, City Permits, and information provided these guidelines.

Communicating with the City

To ensure that your public gathering is successful and to avoid permitting delays, it is important that the Events Assistant is contacted 14 days prior to the event taking place. The Events Assistant will be your main contact at the City and will ensure your inquiries and submissions reach the correct person.

Commitments and details relating to your gathering that are not directly communicated to the Events Coordinated may not be guaranteed.

Highway Use Permit

We require a Highway Use Permit if you are performing an action that may disrupt the normal flow of pedestrian or vehicle movement, or interferes with City parking, sidewalks, or bike path access. Regardless of the duration of your disruption, you must apply for the permit, though no fee will be assessed. It should be noted that exclusive use of any City space will not be granted under the City's permitting system, given the potential threat to equitable opportunity to exercise *Freedom of Speech* under the *Canadian Charter of Rights and Freedoms*.

Obtaining a Highway Use Permit is essential in ensuring the safety of demonstrators, the public, and police staff. In completing the permit, be clear about potential interruptions to traffic flow, including the use of distracting signage. This will allow City staff to provide the most relevant recommendations on planning for safety.

Once a permit has been obtained, semi-permanent fixtures, such as portable toilets, can be installed at the expense of the organizers. Holding tanks must be provided for washing stations to collect grey water. The organizer is responsible for ensuring the cleanliness, supply, and security of the portable toilets.

If your gathering may require a Highway Use Permit, please email a completed [Highway Use Permit](#) to hup@portmoody.ca 10 working days before your intended start date. Cc the Events Assistant at AMartin@portmoody.ca.

Alternatively, you can fax your application to 604-469-4533 or drop it off in person at [100 Newport Drive](#), 8:30am – 5:00pm, Monday to Friday.

Signage

Signage such as placards, posters, flyers, etc. may be used but organizers are required to ensure all debris is cleared after the gathering has ended. Any signage left afterwards will be considered an "Abandoned Sign" under the City of Port Moody [Signs Bylaw](#).

All freestanding, canopy, banner, fascia signs, etc. are subject to the conditions of the Signs Bylaw and require a sign permit. It is the responsibility of the organizer to ensure all signage is in compliance with this bylaw. If your gathering may use such signage, please complete an online [sign permit application](#), and submit.

Park Bookings

Gatherings for the purpose of peaceful public assembly shall not be eligible for exclusive use of park and other public spaces as per the *City of Port Moody Parks and Community Facilities Rules and Regulations Bylaw No. 2894, 2011* section 14(d). The park will remain open for other users, including those opposing the message delivered by the original organizer(s). This is to encourage healthy, public dialogue and is in support of *Freedom of Speech* as laid out in the *Canadian Charter of Rights and Freedoms*.

Port Moody City Police

The Port Moody Police Department's Strategic Plan hinges on our organizational values of integrity, courage, trust, respect, and accountability. These values are enhanced by the goals which have become foundational to the City's policing and public safety order:

1. Maintain a safe and engaged community, and
2. Strengthen organizational capabilities.

Holistically, police discretion applied with these principles will lessen the impact faced by the public while allowing the gathering to occur in a safe manner. When facilitating Peaceful Public Assembly, the City's goals include but are not limited to:

- Preventing criminal acts from taking place,
- Ensuring that the safety of demonstrators, the public, and the police is maintained, and
- Ensuring that the public peace is maintained.

If you have questions regarding policing protocols in response to public safety concerns, please contact 604-461-3456.

Conclusion

The way in which the City facilitates peaceful public assembly is designed to be inclusive, safe, and respectful. These guidelines are designed to recognize the public's right to lawful assembly while upholding the law in a proportionate manner and with the least level of intrusiveness. These guidelines are consistent with Canadian law, and municipal Bylaws.