

CITY OF KELOWNA

BYLAW NO. 11546

Amendment No. 1 to Good Neighbor Bylaw No. 11500

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Good Neighbour Bylaw No. 11500 be amended as follows:

1. THAT **Section 2. Definitions** be amended by:

a) Add a new definition for **Automated Teller Machine** in its appropriate location that reads:

"Automated 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, deposits, withdrawals, balance inquiries, and mortgage and loan payments;"

b) Add a new definition for **Bus Stop** in its appropriate location that reads:

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

c) Add a new definition for **Panhandle or Panhandling** in its appropriate location that reads:

Panhandle or Panhandling means to beg for, or, without consideration ask for, money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture for one's self or for any other person but does not include soliciting for charity.

d) Add a new definition for **Street Entertainer** in its appropriate location that reads:

"Street Entertainer" includes a single or group of musicians or performers who actively entertain the public on or adjacent to a street or other place open to the public and who receives or has an expectation of receiving a gratuity or other donation from one or more members of the public;"

e) Add a new definition for **Trust Company** in its appropriate location that reads:

"Trust Company" means an office or branch of a trust company to which The Trust and Loans Company Act (Canada) applies and in which deposit accounts are held;"

f) Add a new definition for **Vehicle** in its appropriate location that reads:

"Vehicle" means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks"

2. AND THAT **Section 4. Property Nuisances, 4.3 (b)** be deleted that reads:

"(b) keep a **derelict motor vehicle**, vehicle, boat or trailer except as part of a lawful business operating under a license from the City;"

And replace with:

"(b) keep a derelict vehicle of any sort, including but not limited to a motor vehicle, vehicle, boat or trailer except as part of a lawful business operating under a license from the City;"

3. AND THAT **Section 5. Graffiti, 5.1** be amended by adding the words "in or" after the words "sign or any other structure or surface,"

4. AND THAT **Section 6. Street and Public Space Nuisances**, be deleted that reads:

"6.1 No person shall place **graffiti**, or cause **graffiti** to be placed on any wall, building, fence, sign or other structure or surface in a **street** or **public space**.

6.2 No person shall on a **street** or in a **public space**:

- (a) urinate or defecate;
- (b) sleep in a **motor vehicle**; or
- (c) participate in a violent confrontation or struggle.

6.3 No person shall on a **street** or in a **public space**:

- (a) scatter, dump, or dispose of any garbage, glass, crockery, litter or other material, whether liquid or solid, and whether likely to injure any person, animal, vehicle or not;
- (b) place or throw any circular, pamphlet, handbill or other paper material, whether or not the paper material had been previously placed upon any **motor vehicle** or other vehicle, without the consent of the **owner** or driver thereof;
- (c) cut, remove or damage any tree, shrub or flower plant, bush or hedge;
- (d) deface, injure or damage any **street**, ditch or fence or anything erected or maintained for purpose of lighting a **street**;
- (e) dispose or place or leave any cement, mortar, lime, or any other substance having a damaging or destructive effect upon the concrete, asphalt, bushes, shrubs, or trees, or grass situate thereon;
- (f) stamp, paint, post, affix or otherwise place any placard, bill, poster, notice advertisement without first having obtained the permission of the City; or
- (g) remove to, or accumulate in from lands adjacent to a **street** or **public space**, grass cuttings, leaves or **rubbish**."

And replace with:

"6.1 No person shall on a street or in a public space:

- (a) urinate or defecate;
- (b) sleep in a motor vehicle; or
- (c) participate in a violent confrontation or struggle.

6.2 No person shall on a street or in a public space:

- (a) scatter, dump, or dispose of any garbage, glass, crockery, litter or other material, whether liquid or solid, and whether likely to injure any person, animal or cause damage to a vehicle or not;
- (b) place or throw any circular, pamphlet, handbill or other paper material, whether or not the paper material had been previously placed upon any motor vehicle or other vehicle, without the consent of the motor vehicle owner or occupant thereof;
- (c) cut, remove or damage any tree, shrub or flower plant, bush or hedge;
- (d) deface or damage any street, ditch or fence or anything erected or maintained for purpose of lighting a street;
- (e) dispose or place or leave any cement, mortar, lime, or any other substance having a damaging or destructive effect upon the concrete, asphalt, bushes, shrubs, or trees, or grass situate thereon;

- (f) stamp, paint, post, affix or otherwise place any placard, bill, poster, notice advertisement without first having obtained the permission of the City; or
- (g) remove to, or accumulate in from lands adjacent to a street or public space, grass cuttings, leaves or rubbish.”

5. AND THAT a NEW **Section 7. Panhandling** and **Section 8. Street Entertainment** be added in its appropriate locations and all subsequent sections be re-numbered that reads as follows:

“7. Panhandling

The practice of panhandling has been identified as a significant social and safety concern and community outreach programs are in place to provide other options for panhandlers. These regulations are a required part of the coordinated approach to reduce the community impact of panhandling. Panhandling is permitted in the City of Kelowna under the following restrictions:

- 7.1 No person shall panhandle within 5 meters of:
 - (a) an entrance to a bank, credit union or **trust company** or other financial institution where cash can be withdrawn;
 - (b) an **automated teller machine** or other device from which cash can be electronically accessed;
 - (c) a person who is seated in an outdoor area of a restaurant or bar which food or beverage are being served;
 - (d) a bus stop or taxi stand; and
 - (e) a liquor store
- 7.2 A person may only engage in panhandling between 8:00 am and 8:00 pm.
- 7.3 No person shall while engaging in panhandling, impede the convenient passage of, walk next to, or follow the person being solicited.
- 7.4 No person shall continue to engage in panhandling otherwise permitted by this Bylaw who has been refused or the solicitation has been declined.
- 7.5 No person shall engage in panhandling from any person who, at the time is an occupant of a motor vehicle.
- 7.6 No person shall stop a motor vehicle on a street within 500 meters of a Recycling Depot for the purpose of giving or delivering recyclable materials to another person.
- 7.7 No occupant of a motor vehicle which is stopped at a traffic control signal as defined in the Motor Vehicle Act shall give money, goods or other things of value to another person.

8 Street Entertainment

Street Entertaining is permitted in the City of Kelowna under the following restrictions:

- 8.1. No person may carry on the business of a street entertainer unless that person has applied for and obtained a permit from an approved Busker’s Program.
- 8.2 Upon demand of a peace officer, a street entertainer must produce a valid Buskers Program Permit.

8.3 Street entertainment within the boundaries of the Downtown Business Improvement Area is restricted to designated "Busk Stops:

8.4 While performing, a street entertainer must comply with the conditions set out in the Buskers Program Permit."

6. AND THAT **Section 8. Construction Noise**, 8.1 be amended by deleting "0700 hours or after 2100 hours" and replacing it with "7:00 am or after 9:00 pm".

7. AND THAT **Section 9. Deemed Objectionable Noises**, 9.5 be amended by:

- a) Deleting "sections 7.1 to 8.1 and 9.1 to 9.4 of this bylaw" and replacing it with "sections 7.1 to 8.1 and 9.1 to 9.4, 10.1 to 10.4 and 11.1 to 11.4 of this bylaw";
- b) adding in sub-section (b)(ii) the word "alarm" after the words "a motor vehicle horn,"; and
- c) deleting in sub-section (c) "0700 hours or after 2100 hours" and replacing it with "before 7:00 am or after 9:00 pm"

8. AND THAT **Section 10. Compliance Orders**, 10.2 be amended by deleting section 10.2 that reads:

"10.2 Where a condition exists that is a contravention of any of the provisions in sections 4 and 5 of this bylaw, the **bylaw supervisor** may issue an **order to comply** requiring the person to remedy the nuisance or non-compliance within fourteen (14) days of deemed service or ten (10) days in the case of a contravention of section 5.3 of this bylaw, or on a date the **bylaw supervisor** considers reasonable in the circumstances if in the opinion of the **bylaw supervisor** a further period of time is required due to:"

And replace it with:

"10.2 Where a condition exists that is a contravention of any of the provisions in sections 4 and 5 of this bylaw, a **Bylaw Enforcement Officer** may issue an **order to comply** requiring the person to remedy the nuisance or non-compliance within fourteen (14) days of deemed service or ten (10) days in the case of a contravention of section 5.3 **Error! Reference source not found.**of this bylaw, or on a date a **Bylaw Enforcement Officer** considers reasonable in the circumstances if in the opinion of the **bylaw supervisor** a further period of time is required due to:"

9. AND THAT City of Kelowna "Panhandling Bylaw No. 8214" and all amendments thereto, are hereby repealed.

10. This bylaw may be cited for all purposes as "Bylaw No.11546 being Amendment No. 1 to Good Neighbor Bylaw No. 11500."

11. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

