

Report to Council



Date: March 26, 2018
File: 0100-01
To: City Manager
From: Colleen Cornock, Crime Prevention Supervisor
Subject: Good Neighbour Bylaw Update

Recommendation:

THAT Council receives for information, the report from the Crime Prevention Supervisor, dated March 19, 2018 pertaining to making amendments to the Good Neighbour Bylaw No 11500, and the Bylaw Notice Enforcement Bylaw No. 10475;

AND THAT Bylaw No 11546 being Amendment No. 1 to Good Neighbour Bylaw No. 11500 be forwarded for reading consideration;

AND THAT Bylaw No. 11566 being Amendment No. 20 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration;

AND FURTHER THAT Council rescind City of Kelowna Panhandling Bylaw No 8214.

Purpose:

For Council to consider amendments to the Good Neighbour Bylaw and to amend the Bylaw Notice Enforcement Bylaw.

Background:

The recently adopted Good Neighbour Bylaw is intended to serve as a compliance tool to assist in the regulation of property nuisances, graffiti, street nuisances, property noise and construction noise. The bylaw amalgamated the following bylaws when it was adopted on Nov. 6, 2017:

- Anti-Litter Bylaw, No 3477
- Noise & Disturbances Control Bylaw, No 6647
- Residential Nuisance Bylaw, No 7782
- Unsightly Premises and Visual Nuisance Bylaw No 8217

These bylaws were subsequently rescinded.

Following the adoption of the Good Neighbour Bylaw on Nov. 6, 2017, it was recognized that minor administrative amendments were required. In addition, review of the existing Panhandling Bylaw No 8214 was completed and resulted in the proposal to include panhandling in the Good Neighbour Bylaw.

Panhandling:

The current Panhandling Bylaw 8214 has been in place since 1998, and was amended in 2007. Panhandling activity has increasingly been observed to take place on meridians, at busy intersections and highway junctions, as well as with cars stopping on the road to hand over bottles to panhandlers around bottle depots. This poses a safety risk to the person panhandling and motorists.

The integration of the bylaw into the Good Neighbour Bylaw regulates how panhandling can occur and under what conditions to ensure that both the person panhandling and members of the public are safe. A bylaw regulating panhandling is part of a coordinated approach to improve safety and to foster an inclusive community for all approach. While there are community outreach programs in place to provide options for panhandlers, the proposed panhandling section of the Good Neighbour Bylaw recognizes that panhandling is an allowable activity but regulates the conditions under which the activity can take place.

If adopted into the Good Neighbour Bylaw, the Panhandling Bylaw 8214 would subsequently be rescinded.

Specific changes and updates from existing bylaw include:

- a) Change distance of panhandling from banks, ATMS, buses and liquor stores to from 10 metres to 5 metres
- b) Remove the restriction of panhandling at the entrance to a movie theatre
- c) Add the restriction of panhandling at a taxi stand
- d) Add the restriction of panhandling within 5 meters of a person who is seated in an outdoor area of a restaurant or bar which food or beverage are being served
- e) Change to permit panhandling between 8 a.m. to 8 p.m.
- f) Define that a person panhandling cannot obstruct the passage of, walk next to, or follow the person being solicited with the intent to panhandle
- g) Add that no person shall stop a motor vehicle on the street within 500 metres of a Recycling Depot for the purpose of giving or delivering recyclable materials to another person
- h) Add that 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
- i) Section 8 of the Panhandling Bylaw sets the maximum fine at \$2,000 and a period of incarceration of not more than 90 days. The maximum fine at \$2,000 and the penalty of incarceration are not included in the Good Neighbour Bylaw

Busking:

Currently busking – the act of street entertainment with intent to collect donations for the performance – is not part of City Bylaws. At present, Festivals Kelowna manages the busking program and issues permits. Adoption of the busking permit guidelines into the Good Neighbour Bylaw will help protect the artistic program and ensure performers have a fair and regulated process for adding entertainment and vibrancy to Kelowna streets and parks.

Proposed items for inclusion into the Good Neighbour Bylaw include:

- a) Incorporate new street entertainment requirements:
 1. A valid Buskers Program Permit is required
 2. Permit must be produced upon request by a peace officer
 3. Street entertainment within the boundaries of the Downtown Business Improvement Area is restricted to designated “Busk Stops”.
 4. While performing, conditions set out in the Buskers Program Permit must be adhered to including hours of operation set out by the program.

Bylaw Notice of Enforcement Bylaw No 10475 include:

- a) Addition Owner or occupier to Sec 4.2-5.4 inclusive
- b) Addition of new Panhandling Sec 7.1-7.7 including fee structure

Internal Circulation:

Divisional Director, Corporate & Protective Services
Divisional Director, Active Living & Culture
City Clerk
Bylaw Services Manager
Social Development Manager
Communications Manager
Communications Consultant
Superintendent RCMP

Legal/Statutory Authority:

Good Neighbour Bylaw 11503
Panhandling Bylaw 8214
Bylaw Notice Enforcement Bylaw 10475

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements
Existing Policy
Financial/Budgetary Considerations
External Agency/Public Comments
Communications Comments
Alternate Recommendation

Submitted by:

C. Cornock, Crime Prevention Supervisor

Approved for inclusion:



Divisional Director, Corporate and Protective Services

cc:

Police Services Manager

Bylaw Services Manager