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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** February 10, 2004  
**File No.:** 5480-08

**To:** City Manager

**From:** Ron Westlake, Transportation Manager

**Subject:** **Amendment to City of Kelowna Parks and MTI Bylaws with Respect to Temporary or Permanent Abode in Any Public Space**

Report prepared by Jerry Dombowsky, Transportation Demand Supervisor

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### **RECOMMENDATION:**

THAT Bylaw No. 9175 be advanced for reading consideration to amend City of Kelowna Parks Bylaw No. 6819-91 as attached to the Transportation Manager's report dated February 10, 2004 in order to extend the application of certain provisions of the bylaw to other public property as well as parks;

AND THAT Bylaw No. 9174 be advanced for reading consideration to amend City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 as attached to the Transportation Manager's report dated February 10, 2004 in order to establish fines for taking up abode or establishing campsites in a public park or public space, and to delete the Dog Control Bylaw from Schedule 1 of Bylaw 6550-89.

### **BACKGROUND:**

Bylaw No. 6819-91 currently applies to City of Kelowna Parks, prohibiting temporary or permanent abode, and granting authority to the City or its contractor to remove camping equipment. This amendment would broaden the Bylaw to allow it to apply to any Public Place meaning any real property or portions of real property owned by the City of Kelowna to which the public is ordinarily invited or permitted to be in or on, and includes, but is not necessarily limited to, the grounds of public facilities or buildings and public parkades or parking lots. Given the problems associated with individuals lodging in City of Kelowna Public Facilities, particularly City parkades, I request Council's approval of this amendment.

Bylaw No. 6550-89 provides for ticketing for offences against the provisions of numerous bylaws, including Parks Bylaw 6819-91.

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Ron Westlake  
Transportation Manager

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John Vos  
Director of Works & Utilities

Attach.

cc: Al Dixon, Bylaw Enforcement Supervisor  
Allison Flack, City Clerk

**CITY OF KELOWNA  
BYLAW NO. 9174**

**Amendment No. 62 to City of Kelowna Ticket Information Utilization  
Bylaw No. 6550-89**

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 is amended by:
  - (a) deleting the following section 2 from **Schedule 1** in its entirety:

“2. Dog Control Bylaw No. 5880-88	- Bylaw Enforcement Officer - License Inspector - Dog Control Officer - Members of the R.C.M.P.”;
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  - (b) deleting section 11 from **Schedule 1** and replacing it with the following:

“11. Parks and Public Spaces Bylaw No. 6819-91	- Inspection Services Manager - Bylaw Enforcement Officer - Members of the R.C.M.P.”;
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  - (c) deleting **Schedule 3** in its entirety;
  - (d) amending the heading to **Schedule 12** so as to read:

“ <u>PARKS AND PUBLIC SPACES BYLAW NO. 6819-91</u> and	<u>SECTION</u>	<u>FINE</u> ”;
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  - (e) adding the following to **Schedule 12** in the appropriate location:

“- take up abode in a park or public space	3.33	\$100.00
- establish campsite in a park or public space	3.34	\$100.00”.
2. This bylaw may be cited as “Bylaw No. 9174 being Amendment No. 62 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89”.

Read a first, second and third time by the Municipal Council this      day of      , 200    .

Adopted by the Municipal Council of the City of Kelowna this      day of      , 200    .

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 9175

### Amendment No. 8 to “City of Kelowna Parks Bylaw No. 6819-91”

A bylaw to amend the “City of Kelowna Parks Bylaw No. 6819-91” in order to extend the application of certain provisions to other public property as well as parks.

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. That City of Kelowna Parks Bylaw No. 6819 –91 be amended by:

(a) deleting section 1.1 and replacing it with the following:

1.1 This bylaw may be cited for all purposes as the City of Kelowna “Parks and Public Spaces Bylaw No. 6819-91”;

(a) adding the following definition to **PART 2 – DEFINITIONS**:

2.11.1 “Public Space” means any real property or portions of real property owned by the City of Kelowna to which the public is ordinarily invited or permitted to be in or on, and includes, but is not necessarily limited to, the grounds of public facilities or buildings and public parkades or parking lots.;

(b) deleting sections 3.33, 3.34 and 3.35 and replacing them with the following:

3.33 No person shall take up temporary or permanent abode in or on any park or any public space.

3.34 No person shall establish or set up a campsite in a park or public space.

3.35 No person commits an offence under section 3.33 or 3.34 by bringing camping equipment into a park that is used for picnicking or while the person takes temporary, but not overnight, respite in a park or public space other than a parkade, or where authorized by a permit issued under section 4.3.

(c) deleting sections 5.1, 5.2, 5.3 and 5.4 and replacing them with:

5.1 The Parks Manager, a peace officer or bylaw enforcement officer appointed by the Council, or City staff or contractor acting under the direction of the Parks Manager, may remove any camping equipment left or stored in a park or public space and any other items comprising a part of a campsite in a manner contrary to the provisions of this bylaw and take such equipment to a place of safekeeping until it is returned to the owner or disposed of in accordance with section 5.4 of this bylaw.

5.2 For removal, detention and impounding of camping equipment pursuant to section 5.1 of this bylaw, the following fees are payable to the City prior to the owner being entitled to the return of the equipment:

Bylaw No. 9175 - 2 -

- (a) For each occasion that the Parks Manager, or staff or contractor acting under his direction, or peace officer or bylaw enforcement officer, are engaged in the removal of the camping equipment to the place of detention and safekeeping: \$35.00; and
- (b) For each day that the camping equipment is stored or detained: \$2.50 per day, to a maximum of \$75.00.

5.3 The owner of any camping equipment or other items removed and detained pursuant to section 5.1 shall pay any applicable fees for the removal or detention prior to the City releasing the camping equipment and items to the owner.

5.4 Upon the expiration of 30 days from any removal or detention under section 5.2 the City may put the camping equipment or other items up for sale by public auction and recover any fees accrued pursuant to section 5.2 from the proceeds of the sale, or may dispose of the seized items as deemed necessary.

2. 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      day of      , 200    .

Adopted by the Municipal Council of the City of Kelowna this      day of      , 200    .

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Mayor

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City Clerk