
CITY OF KELOWNA

MEMORANDUM

Date: September 9, 2005
File No.: 5810-05

To: City Manager

From: Director of Parks & Leisure Services

Subject: Amendments to Panhandling and Parks & Public Spaces Bylaw

RECOMMENDATION:

THAT staff be directed to prepare for Council's consideration the appropriate bylaw amendments as outlined in the September 9, 2005 report from the Director of Parks and Leisure Services;

AND THAT Council Policy No. 20 – Canvassing/Tag Days/Fundraising Drives, be amended as set out in the report.

BACKGROUND:

There are a number of housekeeping amendments required to the Panhandling Bylaw and the Parks and Public Spaces Bylaw.

1. The City needs the legal authority to prevent panhandling in parks and on the grounds of City-owned buildings. Panhandlers are often active in City Park. Panhandling makes the park feel unsafe and uncomfortable for many tourists and local citizens. Bylaw Officers are unable to use the Panhandling Bylaw since it does not cover parks or other City-owned lands such as the grounds of City Hall. Parks are intended to be places for relaxation and enjoyment of the outdoors. Visitors to parks and other civic sites should expect to be free from harassment, intimidation, or unwanted approaches that may be perceived as threatening. The City needs the legal tools to address unwanted behaviors in the parks and on the grounds of civic facilities.
2. There are a number of commercial boating operators that use parks as a base of operation. We wish to ensure that these operators have a valid business license, are properly insured with the City as a named insured, and are properly certified by Transport Canada to operate a commercial vessel. The Parks and Leisure Services Department will issue a License to Use after receiving appropriate documentation, and payment of an administration fee which we recommend to be \$50.00 per year. A business license will be issued only to properly certified and insured operators. These permits will entitle operators to use a designated location for pick up and drop off of passengers but not to conduct business operations within the park. Any boat operator wishing to moor a vessel for a longer period of time or to operate a business from within the park will also require a License to Use however, these will only be issued after the City conducts a public Request for Proposals and the use is approved by City Council.

3. When examining our current policies and bylaws, we find that the City does not have any policy to control fundraising activity in parks. Our current practice is to, on occasion; obtain specific approvals for community fundraising. Given the nature of public use and enjoyment of parks, it is appropriate to control the frequency, location, and nature of fundraising activity. It is also important to ensure that fundraising is being conducted by a bona fide community organization for a legitimate purpose. Upon approval of the policy, staff will identify specific locations for fundraising and implement the following guidelines to control the frequency and nature of the activity. This will bring our policies and current park management practices into line.

The recommended addition to Policy #20 is as follows:

For fundraising activities taking place in parks:

1. *Fundraising must be conducted by a local non-profit organization or service club.*
2. *The location for the fundraising activity must be approved in writing by the Director of Parks and Leisure Services.*
3. *The hours of operation of the fundraising activity must be within the hours of operation of the park.*
4. *The fundraising activity in any one location must not exceed 10 days for any one organization and 20 days per calendar year.*
5. *When more than one organization requests a location, the first eligible request will have priority.*
6. *When there is a request for more than one location by the same organization, the second date will only be granted 14 days before the commencement of the fundraising.*
7. *Requests for fundraising activity in a park must be made in writing to the Director at least 14 days prior to the requested dates and include a detailed description of the fundraising activity, the purpose of the fundraising, and verification of the organization as a local non-profit organization or service club.*
8. *When the fundraising activity is an event intended to attract people to the park, all the requirements of the Outdoor Event Bylaw must be met.*
9. *Fundraising activity must not entail mobile selling of tickets or other goods and must be confined to the designated area approved by the Director.*
10. *Approved fundraising will be only for those causes that are of broad community benefit.*

David Graham
Director of Parks & Leisure Services

cc: Parks Manager, Joe Creron
Bylaw Enforcement Supervisor, Al Dixon