

## SUMMARY:

The Panhandling bylaw limits where panhandling can be done within the City of Kelowna and in conjunction with the provisions of the City of Kelowna's Ticket Information Utilization bylaw provides for the levying of fines for the commitment of an offence under the bylaw.

This bylaw is a 'consolidated' version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Office of the City Clerk at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

**CITY OF KELOWNA**  
**BYLAW NO. 8214**  
***REVISED: September 17, 2007***

CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAW NO. 9851

**A Bylaw to Regulate and Control Panhandling**

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

1. This bylaw may be cited for all purposes as "Panhandling Bylaw No. 8214".

2. In this bylaw:

"**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;

"**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;

"**panhandle**" 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 by a registered non-profit society holding a tag day/fundraising drive permit issued by the City of Kelowna;

"**street**" means any roadway, sidewalk, boulevard, place or way which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;

"**traffic control signal**" means a traffic control signal as defined in the *Motor Vehicle Act, R.S.B.C., 1996 c. 318*;

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

3. No person shall panhandle within 10 metres of:

- (a) an entrance to a bank, credit union or trust company;
- (b) an automated teller machine;
- (c) a bus stop;
- (d) a bus shelter;
- (e) the entrance to any liquor store; or
- (f) the entrance to a movie theatre.

4. No person shall panhandle from an occupant of a motor vehicle which is:

- (a) parked;
- (b) stopped at a traffic control signal; or
- (c) standing temporarily for the purpose of loading or unloading.

5. No person shall panhandle after sunset on any given day.

Consolidated Bylaw No. 8214 - Page 2.

6. No person shall sit or lie on a street for the purpose of panhandling.
7. No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.

BL9851 amended section 8:

8. Any person who does anything prohibited by this bylaw or fails to do anything required by this bylaw commits an offence and is liable on conviction to a fine of not more than \$2,000.00, or liable to a term of incarceration for a period of not more than 90 days or both.
9. Any enactment referred to herein is a reference to an enactment of Canada or British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of Kelowna, as amended, revised, consolidated or replaced from time to time.
10. If any part, section, sentence, clause, phrase or word of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the bylaw had been adopted without the invalid portion.
11. This bylaw shall come in to full force and effect as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 6<sup>th</sup> day of April, 1998.

Adopted by the Municipal Council of the City of Kelowna this 20<sup>th</sup> day of April, 1998.

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"Walter Gray"

Mayor

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"D.L. Shipclark"

City Clerk