

BIZ TIPS



The street facts on panhandling

There are some tools at our disposal to help manage panhandling on our streets.

1. City of Kamloops By-Law no 24-38 to regulate and control panhandling:

Definition of 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 oneself or any other person.

The bylaw states that no person shall panhandle on the street within 10M of a bank, credit union or trust company, an ATM, a bus stop or bus shelter, liquor store, entrance to a movie theatre or church.

They cannot panhandle from someone in a car that is parked, stopped at a light or standing temporarily for loading or unloading.

No panhandling is allowed from sunset to sunrise, they cannot sit or lie on the sidewalk or continue to panhandle after a person says no.

Peace officers and By-law enforcement officers can enforce this by-law; the fines can be from \$100 to \$2,000

This is an abridged version of the bylaw, which is available on the city website.

2. Provincial Safe Streets Act (SBC 2004) Chapter 75.

They use the word "solicit" but the definition is much the same as panhandling above. The act is aimed at aggressive solicitation and captive audience solicitation.

Aggressive solicitation is if the person solicits in a manner that would cause a reasonable person to be concerned for their safety or security, either during solicitation or after the solicited person says no, or fails to respond. For example if the panhandler obstructs your path, uses abusive language, follows behind, alongside or ahead of you, if they continue to solicit or if they approach you as a member of a group of 2 or more.

Captive audience solicitation is if they solicit from someone using, waiting to use, or departing from: an ATM, pay phone or public toilet. They cannot solicit from someone in a commercial vehicle loading area, getting in or out of a commercial vehicle, or a vehicle in a parking lot. Panhandlers cannot be within 5 meters of these locations. It is also an offence to solicit from a person in a stopped or parked vehicle on a roadway.

With the amended Trespass Act examples of violations are:

-Remaining on or returning to, private property after being asked to leave by the property owner or occupier or a representative.

-Defacing signs that give notice of trespass or prohibited activities.

A peace officer may arrest any person they believe are committing an offence under the Safe Streets act. Police have the option to educate, issue a ticket or require a person to appear in court. The fines are usually \$86. If a repeat offender goes to court the judge has other options, including jail or prohibiting the person from returning to the area of offence.

Panhandling is not illegal but there are rules to solicitation behavior. You may be asking how a person with no money is expected to pay a fine? We expect people to not break the law. If they do there are consequences. An inability to pay a fine has never been an excuse for breaking the law.

Contact information to make note of:

- City of Kamloops Bylaw Enforcement: 828-3407
- RCMP, non-emergency number 828-3000
- Graffiti Task Force: 571-8175
- Safe Streets Act Coalition www.safestreetscoalition.com
- Safe Streets and Trespass Act website: <http://www.ag.gov.bc.ca/safe-streets>

Streets Alive!

Filling our sidewalks with a variety of activities attracts the necessary critical mass of regular users that deters criminal and undesirable behaviour.

