

CITY OF SALMON ARM

BYLAW NO. 4273

A bylaw to regulate street solicitation in the City of Salmon Arm

WHEREAS street solicitation is deemed to be a cause of public nuisances, disturbances and other objectionable situations within the City of Salmon Arm;

AND WHEREAS the Council of the City of Salmon Arm is authorized by the Community Charter to regulate street solicitation for the purpose of protecting and enhancing the well-being of its community;

AND WHEREAS the City of Salmon Arm commits to working with social agencies to develop a coordinated and compassionate framework for the vulnerable street solicitation population;

AND WHEREAS the City of Salmon Arm recognizes that the main intention of this bylaw is not to issue fines;

NOW THEREFORE the Council in open meeting assembled enacts as follows:

1. This Bylaw may be cited as “City of Salmon Arm Street Solicitation Bylaw No. 4273”
2. DEFINITIONS

All word or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth 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 transfer, deposits, withdrawals, balance inquiries and mortgage and loan payments.

“Bylaw Enforcement Officer” means the person appointed by the City of Salmon Arm and any person delegated to assist him/her in enforcing municipal bylaws and regulations as set out in the bylaw.

“Peace Officer” means any member of the Royal Canadian Mounted Police and any person delegated to assist him/her in carrying out his/her duties under the bylaw.

“Solicitation” means an act to solicit by communicating in person using the spoken, written or printed word, or by a gesture or another means, including the playing of musical instruments or equipment that causes a nuisance to the public and businesses, any of which being for the purpose of receiving money or another item of value, regardless of whether consideration is offered or provided in return.

“Street” includes a public road, highway, bridge, viaduct, underpass, lane, sidewalk and any walkway or space normally open to the use of the public.

“Traffic control signal” means a traffic control signal as defined in the Motor Vehicle Act.

“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. AUTHORITIES

Peace Officers and Bylaw Enforcement Officers are authorized and empowered to enforce all sections of this bylaw.

4. APPLICATION

.1 No person shall solicit on a street within 15 metres of:

- a) an entrance to a bank, credit union or trust company,
- b) an automated teller machine,
- c) a bus stop or bus shelter,
- d) a restaurant with outdoor seating,
- e) the entrance to a theatre or art gallery,
- f) the entrance to a liquor or cannabis retail store, or
- g) the entrance to a money service business.

.2 No person shall solicit 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.

.3 No person shall solicit at any time during the period from sunset to sunrise.

.4 No person shall sit or lie on a street for the purpose of solicitation.

.5 No person shall solicit from a public bench, seating or within a public plaza.

.6 No person shall continue to solicit on a street from a person after that person has made a negative response.

5. PENALTY

- .1 Every person who offends against any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of, or in violation of, any provisions of this bylaw, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing which violates any of the provisions of this bylaw, shall be deemed to guilty of an infraction of the bylaw, and shall be liable to the penalties hereby imposed.
- .2 Offences for which tickets can be issued and fines imposed are prescribed in the City of Salmon Arm Ticket Information Utilization Bylaw No. 2760.
- .3 Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than \$2,000 and not less than \$50 for each offence.

6. SEVERABILITY

If any part, section, sub-section, clause of this bylaw for any reason is held to be invalid by the decisions of a Court of competent jurisdiction, the invalid portion shall be severed and the decisions that are invalid shall not affect the validity of the remaining portions of this bylaw.

7. EFFECTIVE DATE

This bylaw shall come into full force and effect upon adoption of same.

READ A FIRST TIME THIS	11th	DAY OF	June	2018
READ A SECOND TIME THIS	11th	DAY OF	June	2018
READ A THIRD TIME THIS	13th	DAY OF	May	2019
ADOPTED BY COUNCIL THIS	27th	DAY OF	May	2019

“A. HARRISON”
MAYOR

“E. JACKSON”
CORPORATE OFFICER