

BYLAW NO. 2 - 2003

A Bylaw of the City of Swift Current, in the Province of Saskatchewan, to regulate panhandling.

THE COUNCIL OF THE CITY OF SWIFT CURRENT, SASKATCHEWAN, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1.0 This Bylaw shall be cited as the “Panhandling Bylaw”.

2.0 PURPOSE

2.1 The purpose of this Bylaw is:

2.1.1 to control and regulate panhandling on streets, sidewalks and other public places in the City; and

2.1.2 to ensure that panhandling does not unreasonably interfere with the use and enjoyment of streets, sidewalks and other public places by members of the public.

3.0 DEFINITIONS:

3.1 **“City”** means The City of Swift Current;

3.2 **“coercive manner”** means:

3.2.1 to follow the person solicited;

3.2.2 to persist in a solicitation after the person solicited has given a negative response;

3.2.3 to touch the person solicited;

3.2.4 to obstruct, either individually or as part of a group of panhandlers, the passage of a solicited person; and/or

3.2.4 to panhandle using obscene or abusive language;

3.3 **“doorway”** means an entrance or exit from a building and includes the area from the doorway to the abutting street or sidewalk;

3.4 **“night”** means the period between 9:00 pm and 6:00 am of the next following day;

- 3.5 “**panhandle**” means to beg for or ask for money, donations, goods or other things of value, without consideration, whether by spoken, written or printed word or bodily gesture, but does not include soliciting for charitable purposes by an organization with permission to do so from the City;
- 3.6 “**street**” means street as defined in *The Urban Municipality Act, 1984*; and
- 3.7 “**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.

4.0 PANHANDLING PERMITTED

- 4.1 A person may panhandle on a street, sidewalk, or other public place in the City, except as provided in this Bylaw.

5.0 PANHANDLING PROHIBITED

- 5.1 No person shall panhandle at any time on a street, sidewalk or other public place in a coercive manner.
- 5.2 No person shall panhandle from an occupant of a motor vehicle which is:
- 5.2.1 parked;
 - 5.2.2 stopped at a traffic control signal; or
 - 5.2.3 standing temporarily for the purpose of and while actually engaged in loading or unloading.
- 5.3 No person shall panhandle from a person standing in line on a street, sidewalk or other public place for the purpose of entering any building or purchasing any goods or services.
- 5.4 No person shall panhandle from a person seated in an outdoor seating area located on a sidewalk abutting a restaurant.
- 5.5 No person shall panhandle on private property without the property owners consent.

6.0 CLEAR ACCESS TO BE AVAILABLE

- 6.1 No person shall panhandle on a street, sidewalk or other public place within 2.0 metres of a doorway to any building.
- 6.2 Notwithstanding Subsection (1), no person shall panhandle on a street, sidewalk or other public place within 10.0 metres of:
 - 6.2.1 a doorway to a bank, credit union or trust company;
 - 6.2.2 an automated teller machine; or
 - 6.2.3 a doorway to a liquor store, a beer and wine store, a bar or a lounge.
- 6.3 No person shall panhandle on a street, sidewalk or other public place within 2.0 metres of any mobile food vendor.

7.0 PANHANDLING AT NIGHT

- 7.1 No person shall panhandle on a street, sidewalk or other public place at night.

8.0 OFFENCES AND PENALTIES

- 8.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
 - 8.1.1 for a first offence, to a fine of \$100.00; and
 - 8.1.2 for a second or subsequent offence, to a fine of not less than \$100.00 and not more than \$2,000.00.

9.0 SEVERABILITY

If any Section or portion of this Bylaw is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that Section or portion shall be deemed severable and shall not affect the validity of the remaining portions of this Bylaw.

