

MODERNIZING THE SAFE STREETS ACT (2015)

Technology for pay parking has advanced, with many BC municipalities converting to new pay parking stations. Citizens and visitors now have to pay for parking at pay parking stations and, while doing so, stand for a period of time with money and wallet exposed to the general public creating a captive audience for panhandlers to solicit. This scenario can create an uncomfortable feeling for citizens and visitors and, more importantly, raises a safety concern for these individuals.

Further, sidewalk patios are an area where a captive audience is created. Restaurateurs observe panhandling affecting their customers' meal experiences in these patios. An undisturbed meal and safety for customers is important for the viability of sidewalk patios.

The Safe Streets Act was enacted in 2004 by the province of British Columbia. Business in BC, especially retailers, put much effort in attracting customers to enter their store to purchase their products. Many of these pay parking stations and sidewalk patios are being put in locations with high economic activity. It is vital that these areas are safe and welcoming to all potential customers.

The Safe Streets Act (SBC 2004) Chapter 75 describes specifically where a person commits a soliciting offense. Section 3 (2) reads as follows:

- (2) Subject to subsection (3), a person commits an offence who does any of the following:
- (a) solicits a person who is using, waiting to use, or departing from a device commonly referred to as an automated teller machine;
 - (b) solicits a person who is using, or waiting to use, a pay telephone or a public toilet facility;
 - (c) solicits a person who is waiting at a place that is marked, by use of a sign or otherwise, as a place where a commercial passenger vehicle regularly stops to pick up or disembark passengers;
 - (d) solicits a person who is in, on or disembarking from a commercial passenger vehicle;
 - (e) solicits a person who is in the process of getting in, out of, on or off of a vehicle or who is in a parking lot.

Section 3 (3) reads as follows:

- (3) No offence is committed under subsection (2) if the person soliciting is 5 metres or more from the following:
- (a) in the case of subsection (2) (a) to (c), the automated teller machine, pay telephone, public toilet facility entrance or commercial passenger vehicle marker, as applicable;
 - (b) in the case of subsection (2) (d) or (e), the commercial passenger vehicle or vehicle, as applicable.

The Chamber understands that enforcement of panhandling is difficult. The intention is to update the above act in order to give peace officers a mechanism to deal with a problem if one ever needed to be acted upon.

THE CHAMBER RECOMMENDS

That the Provincial Government:

- 1) amend the Safe Streets Act to add pay parking stations, suggestions as follows:
 - a) have section 3 (2) (b) read “solicits a person who is using, or waiting to use, a pay telephone, a pay parking station or a public toilet facility;”
 - b) have section 3 (3) (a) read “in the case of subsection (2) (a) to (c), the automated teller machine, pay telephone, pay parking station, public toilet facility entrance or commercial passenger vehicle marker, as applicable;” ; and

- 2) amend the Safe Streets Act to add "sidewalk patios," suggestions as follows:
 - a) add a Section 3 (2) (f) to read "soliciting a person who is within a designated sidewalk patio area.”
 - b) have section 3 (3) (a) read "in the case of subsection (2) (a) to (c) and (f), the automated teller machine, pay telephone, pay parking station, public toilet facility entrance, commercial passenger vehicle marker or sidewalk patios, as applicable.

Submitted by the Kamloops Chamber of Commerce