

The Corporation of the City of Hamilton

By-law No. 97-162

To Amend:

By-law No. 86-77
The Streets By-law

Respecting:

PANHANDLING

WHEREAS paragraph 140, Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes municipalities to enact by-laws to regulate public nuisances;

AND WHEREAS Section 102 of the Municipal Act allows that every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act as may be deemed expedient and are not contrary to law;

AND WHEREAS the Council of the City of Hamilton deems it necessary to ensure citizens reasonably unencumbered access to pedestrian walkways within the City of Hamilton;

AND WHEREAS Council, on Thursday, 1997 August 7th, in adopting Section One of the Seventeenth Report for 1997 of the Finance and Administration Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Section 16 of By-law No. 86-77 is amended by the addition of the following subsections:

- (12) 12.1 For the purposes of this subsection:
- (a) "*cease*" means to stop or bring to an end.
 - (b) "*congregate*" means to gather into a group of more than one person.
 - (c) "*obstruct*" means to interfere with or make difficult of passage.
 - (d) "*officer*" means a sworn member of the Hamilton-Wentworth Regional Police Service or a municipal by-law enforcement officer appointed by the City of Hamilton.

General:

- 12.2 No person shall congregate and sit or stand so as to obstruct the free passage of either pedestrian or vehicular traffic on any streets or sidewalks regulated by this By-law.
- 12.3 Any person who obstructs pedestrian or vehicular traffic on a sidewalk or street shall, when directed to do so by an officer, cease such obstruction.

Exclusions:

12.4 Any parade, festive occasion or other event approved by the City of Hamilton shall be excluded from the provisions of this subsection.

Enforcement:

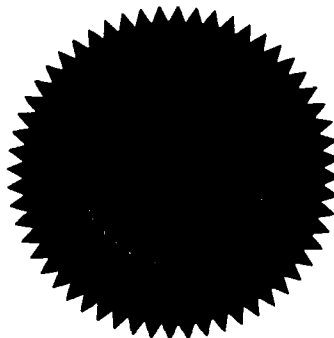
12.5 Sworn members of the Hamilton-Wentworth Regional Police Service and municipal by-law enforcement officers of the City of Hamilton are authorized to enforce the provisions of this by-law.

- (13) 13.1 For the purposes of this subsection, "aggressive panhandling" means:
 - (a) approaching, speaking to or following a person for the purpose of entreating or urging that person to give money, in such a manner as would cause a reasonable person to fear bodily harm or harm to property on the person's immediate possession;
 - (b) touching a person without their consent while panhandling from such person;
 - (c) repeatedly panhandling from a person, or following a person after a person has made a negative response; or
 - (d) panhandling by standing, sitting or otherwise in such a manner so as to intentionally block, obstruct or interfere with the safe passage of pedestrians or vehicles, including unreasonably causing a person or vehicle to take evasive action to avoid physical contact.
- 13.2 No person shall aggressively panhandle on any streets or sidewalks regulated by this by-law.
- 13.3 No person shall solicit money from any pedestrian by panhandling on any streets or sidewalks regulated by this by-law in such a manner as to interfere with the ability of pedestrians to enter business establishments located on such streets.

PASSED this 7th day of August 1997.



CITY CLERK



MAYOR