

Community Standards Bylaw Policy Discussion

Background

- At the January 16, 2023 Committee of the Whole meeting, Administration presented a list of the 48 most common topics found in the community standards bylaws of 18 municipalities.
- The Committee recommended a phased approach where the initial focus is on 25 specific topics.

Purpose

- Seek Committee's concurrence on the minimum standards recommended by Administration on each of the desired topics to be addressed in the Community Standards Bylaw (CSB)

Public Behaviour

1. Liquor
2. Camping
3. Graffiti Prevention and Abatement (NEW)
4. Charity Collection Sites (NEW)
5. Panhandling and Busking (NEW)
6. Urination/Defecation and Human Waste (NEW)
7. Causing a Disturbance

*NEW - No existing City legislation on topic

*Red lettering - Topics combined

Property Maintenance/Neighbour Relations

8. Nuisance Property **AND** Refrigerators and Other Appliances
9. Landscape Obstructions
10. Vegetation/Weeds/Trees and Grass
11. Boulevards
12. Recreational Vehicles
13. Repair of Motor Vehicles (NEW)
14. Constructions Waste/Building Materials
15. Garbage/Waste

*NEW - No existing City legislation on topic

*Red lettering - Topics combined

Noise Control /Smoking and Cannabis

- 16. Prohibited Noise **AND** Decibel Limits **AND** Continuous Sound (NEW) **AND** Non-Continuous Sound (NEW)
- 17. Motor Vehicle/Off Highway Vehicle Noise
- 18. Smoking and Cannabis Restrictions in Public Spaces **AND** Cannabis Odour

*NEW - No existing City legislation on topic

*Red lettering - Topics combined

CSB Topic Analysis

- Existing City legislation
- Information on situating the topic in the Spruce Grove context
- Direct comparison to what a few comparator jurisdictions are doing
- Administration's recommendations on minimum standards
- Potential financial and operational implications

Consumption of Liquor in Public Spaces (Attachment 1)

COSG Context

- No consumption in Open Space area without a permit

Jurisdictional Comparisons

- *AGLC Act* amendment (2020) reduced restrictions on public consumption in parks
- Edmonton and Strathcona County - pilot programs to allow consumption in designated picnic sites

Consumption of Liquor in Public Spaces (Att.1)

Administration Recommended Minimum Standards

- Keep existing City legislation OR
- Allow liquor in designated spaces. A pilot can be considered.

Other Recommendations

- Allow in Jubilee Park (e.g., 11 a.m. to 9 p.m., not in spray park)
- Not allowing large events without permit.

Committee Question

- Is there a desire to allow liquor consumption in designated picnic site(s)?

Camping (Att. 2)

COSG Context

- No camping in Open Space area without a permit

Jurisdictional Comparisons

- Banff expanded discretionary powers of officers to address camping on private property
- Drayton Valley has a time limit of 7 consecutive days on camping on private property (unless permission granted)

Camping (Att. 2)

Administration Recommended Minimum Standards

For Camping on Public Land

- Keep existing City legislation (no camping without permit) OR
- Include time limit (e.g., over five days needs a permit) and frequency

Committee Question

- Is there a desire for a standard to be extended to private land?

Graffiti Prevention & Abatement (NEW) (Att. 3)

COSG Context

- No existing bylaw on public/private property but there is a process on how it is addressed

Jurisdictional Comparisons

- Strathcona County - A person shall not place graffiti on any building, structure, vegetation or thing. Owner cannot have graffiti adjacent to street/public place.
- Edmonton restricts graffiti that is “visible from any surrounding property”

Graffiti Prevention & Abatement (NEW) (Att. 3)

Administration Recommended Minimum Standards

- Criteria include visibility, time limit for removal
- Criteria should apply to both private and public property

Other Recommendations

- If time period is desired for removal, 21 calendar days is recommended
- Strathcona/Edmonton bylaw wording is recommended

Committee Question

- Is there desire for additional standards?

Charity Collection Sites (NEW) (Att. 4)

COSG Context

- No existing City legislation
- Not an issue as there are few such bins in the City

Jurisdictional Comparisons

- Strathcona County requires a permit for donation bins that specifies location and time period
- Fort Saskatchewan restricts dumping of household garbage and scavenging

Charity Collection Sites (NEW) (Att.4)

Administration Recommended Minimum Standards

- Materials must be kept in bin. If not addressed within 24-hour period and “3 strikes rule” fine will be levied (organization)
- No dumping of household garbage in bins (resident)

Other Recommendations

- Administration does not recommend including this topic in CSB due to lack of evidence of need

Committee Question

- Is there a desire to hold the organization and City resident accountable or just the organization?

Panhandling & Busking (NEW) (Att. 5)

COSG Context

- No existing City legislation on either issue
- Neither are big issues for the City

Jurisdictional Comparisons

- Edmonton has definition of panhandling in an “aggressive manner”
- Calgary has times (8 p.m. to 8 a.m.) and locations where panhandling is not permitted

Panhandling and Busking (NEW) (Att.5)

Administration Recommended Minimum Standards

- Busking requires a permit/approved application
- Edmonton's and Calgary's bylaw wording

Other Recommendations

- Admin recommends against including busking in CSB. A busking application process and guidelines will be brought forward for review

Committee Question

- Is there a desire to address “aggressive” panhandling and/or add times/locations where it is not permitted?

Urination/Defecation in Public Spaces (NEW) (Att. 6)

COSG Context

- No existing City legislation
- Incidence has increased

Jurisdictional Comparisons

- Beaumont's CSB "indicates a person shall not urinate or defecate in a Public Place or on Property except in a facility designated and intended for such use"

Urination/Defecation in Public Spaces (NEW)

(Att.6)

Administration Recommended Minimum Standards

- Beaumont's bylaw wording

Committee Question

- Is there a desire to address more than what is stated in Beaumont's approach?

Causing a Disturbance in Public Spaces (Att. 7)

COSG Context

- Existing City legislation uses combined wording on fighting and disturbance
- Disturbances on private properties are enforced by RCMP

Jurisdictional Comparisons

- St. Albert - disturbance includes swearing, offensive language, loitering, fighting, screaming, shouting
- Beaumont - no disturbance between (11 p.m. to 7 a.m.)

Causing a Disturbance in Public Spaces (Att.7)

Administration Recommended Minimum Standards

- Optional standard criteria stated in St. Albert and Beaumont's bylaw
- Case study test against skateboard park and community hub

Other Recommendations

- Admin recommends keeping existing City legislation

Committee Question

- Is there a desire for additional standards?

Nuisance/Unsightly Property AND Appliances (Att. 8)

COSG Context

- In 2022, 204 nuisance/unsightly property complaints were received on 268 properties
- Household appliances are considered “refuse” and not allowed to accumulate on property

Jurisdictional Comparisons

- Beaumont’s CSB has prescriptive standards under nuisance/unsightly properties (including buildings and unoccupied buildings)

Nuisance/Unsightly Properties AND Appliances (Att. 8)

Administration Recommended Minimum Standards

- Residential Properties - state of fence, exterior of house, drainage pipe, abandoned/junked vehicles
- Commercial Properties - unsightly surface infrastructure (potholes, landscaping), exterior of building, signage maintenance, fencing, waste outside dumpsters, shopping carts
- Utility Boxes - rust, leaning/open doors

Committee Question: Is there desire to add more standards/examples?

Nuisance/Unsightly Properties AND Appliances (Att. 8)

Administration Recommended Minimum Standards

Pet Waste

- Adapt Beaumont's CSB wording which indicates "No owner or occupant of a Property shall have or allow in or on the Property, the accumulation of animal feces."

Committee Question

- Is there a desire to add additional standards and/or timing for removal?

Nuisance/Unsightly Properties AND Appliances (Att. 8)

Administration Recommended Minimum Standards

Refrigerators, Freezers and Other Appliances

- Follow Beaumont and Edmonton's wording which indicate that such appliances shall not be placed on land unless measures are taken to prevent opening/closing.

Committee Question

- Is there desire to allow appliance accumulation, address time frame for aesthetics and safety and how long appliances are permitted on residential property?

Landscape Obstructions (Att. 9)

COSG Context

- Existing City legislation addresses obstructions including trees, shrubs, hedges that impact visibility, passage, maintenance and/or interferes with operation of public work
- Not many complaints on this issue

Jurisdictional Comparisons

- Edmonton, Beaumont, Strathcona County and St. Albert have similar wording as COSG and each other

Landscape Obstructions (Att.9)

Administration Recommended Minimum Standards

- Existing COSG legislation

Committee Question

- Is there a desire to address anything else beyond the existing standards?

Vegetation, Weeds, Trees, Grass (Att. 10)

COSG Context

- City's Weed Inspector strengthens ability to address noxious weeds

Jurisdictional Comparisons

- Edmonton defines what is/what is not a naturalized yard
- Beaumont has prescriptive standards on nuisance vegetation
- Strathmore addresses heritage trees on public land

Vegetation, Weeds, Trees, Grass (Att. 10)

Administration Recommended Minimum Standards

Naturalized Yards

- Edmonton's definitions of what is/what is not a naturalized yard
- Length of grass and weeds could be set at 15 cm.

Weeds, Trees, Shrubs

- Weeds are to be defined by the Weed Act and those prescribed under current process of weed management on municipal land
- Admin recommends adapting Beaumont's wording on nuisance vegetation

Vegetation, Weeds, Trees, Grass (Att. 10)

Administration Recommended Minimum Standards

Tree Protection

- Existing City standards on tree protection
- Black Knot is not regulated through any legislation

Committee Questions:

- Is there desire to address maintenance of trees/shrubs on private land?
- What should be done about heritage trees in yards?
- Should vegetation in front/side and backyards be treated the same?

Boulevards (Att. 11)

COSG Context

- Most complaints relate to expansion of driveways/ installation of sidewalks, landscaping and construction site cleanliness/damage to boulevards

Jurisdictional Comparisons

- Edmonton has recently started a Boulevard Gardening program and permitting process
- Beaumont specifies a grass length of 20 cm

Boulevards (Att. 11)

Administration Recommended Minimum Standards

- Permit to place sidewalk in boulevard (NEW)
- Permit needed to expand/extend driveway
- Grass in boulevard must not exceed 15 cm
- Only City owned trees and shrubs are permitted

Committee Question: Is there a desire for any vegetation outside of turf grass and City owned trees and shrubs in boulevards?

Recreational Vehicles (Att. 12)

COSG Context

- In 2022, approximately 30-35 complaints were received about RVs parked outside of the permitted times.

Jurisdictional Comparisons

- Edmonton, Beaumont, Strathcona County restrict the use of an RV as a temporary dwelling.

Recreational Vehicles (Att. 12)

Administration Recommended Minimum Standards

- RV cannot be parked on side, street side, front yard, driveway except between May 1 to Oct. 31
- Additional criteria include specifying driveway and hard surface to a certain depth in a backyard

Committee Questions

- Is there desire to address standards outside of existing legislation?
- Is there desire to address use of an RV as a temporary dwelling?

Recreational Vehicles (Att. 12)

Other Administration Recommendations

- Review the COSG definition of RV to remove “snowmobiles” to allow for front yard parking options during the winter season
- Restrict the use of an RV as a temporary dwelling as existing City legislation is silent on this issue

Repair of Vehicles (NEW) (Att. 13)

COSG Context

- No existing City legislation
- City normally addresses this issue if vehicle repair is a home-based business on residential property. A development permit is required.
- 3-4 complaints per year on this issue

Jurisdictional Comparisons

- Beaumont has restrictions such as noise, smells, smoke and hazardous materials. Does not apply to routine maintenance.

Repair of Vehicles (NEW) (Att. 13)

Administration Recommended Minimum Standards

- Standards outlined in Beaumont's CSB

Committee Questions

- Is there anything left to be address within the repair of vehicles?
- Is there a desire to limit to resident owned vehicles?

Construction Waste/Building Materials (Att. 14)

COSG Context

- Complaints are usually received in new development areas during building season
- In 2022, 145 complaints were received
- City has a Construction Site Cleanliness Bylaw

Jurisdictional Comparisons

- Edmonton has standards on accumulation of building materials, refuse, untidy work or storage areas

Construction Waste/Building Materials (Att. 14)

Administration Recommended Minimum Standards

- Standards outlined in COSG Construction Site Cleanliness Bylaw
- Admin recommends adding Edmonton's examples to existing bylaw to strengthen applicability

Committee Question

- Is there a desire to add any other standards?

Garbage and Waste (Att. 15)

COSG Context

- A new Municipal Solid Waste Utility Bylaw, which applies to residential properties, is under development and will be brought to Committee for review in spring 2023.

Jurisdictional Comparisons

- Most municipalities with this topic in their CSBs address bin requirements, storage and collection times.

Garbage and Waste (Att. 15)

Administration Recommended Minimum Standards

- Addressed in the proposed updated Municipal Solid Waste Utility Bylaw including:
 - Ensuring waste is set out for collection 24 hours prior to each Collection Day
 - Removal of Carts from the Road Right of Way by midnight on each Collection Day

Committee Question: Is there desire to address anything beyond these standards for garbage and waste?

Prohibited Noise, Decibel Limits, Continuous Noise (NEW) & Non-Continuous Noise (NEW) (Att. 16)

COSG Context

- Existing legislation does not have decibel limits for non-vehicle noise and does not address continuous, non-continuous noise

Jurisdictional Comparisons

- Beaumont - noise restriction from 11 p.m. to 7 a.m., standards around construction and garbage collection noise
- Edmonton - daytime residential/non-residential decibel limits and overnight residential/non-residential decibel limits

Prohibited Noise, Decibel Limits, Continuous Noise (NEW) & Non-Continuous Noise (NEW) (Att. 16)

Administration Recommended Minimum Standards

- Follow Beaumont's wording, add specific decibel levels as per Edmonton's CSB

Other Recommendations

- Addition of continuous non-continuous sound is not recommended if other minimum standards are addressed as per above.

Committee Question: Is there desire to add decibel limits and/or distinguish between continuous and non continuous sound?

Motor Vehicle/Off Highway Vehicle Noise (Att. 17)

COSG Context

- This topic was reviewed with Council in 2022.
- Council approved changes to the Traffic Bylaw and purchase of decibel readers to address this issue.

Jurisdictional Comparisons

- Edmonton, Beaumont and Strathcona County address motor vehicle noise in the CSBs.

Motor Vehicle/Off-Highway Vehicle Noise (Att. 17)

Administration Recommended Minimum Standards

- Existing standards in COSG Traffic and Noise Control Bylaws

Other Recommendations

- As this topic was recently reviewed by Council, Admin recommends keeping this section the same

Committee Question: Is there a desire to address other standards related to motor vehicle/off highway vehicle noise?

Smoking and Cannabis Restrictions in Public Space AND Cannabis Odour (Att. 18)

COSG Context

- It can be challenging to enforce complaints on cannabis odour especially if a person consumes on their private property and smoke blows onto neighbouring properties.

Jurisdictional Comparisons

- Edmonton has criteria to determine whether an odour, smoke is likely to disturb another (e.g., type, frequency, intensity, duration, proximity to neighbouring properties etc.)

Smoking and Cannabis Restrictions in Public Space AND Cannabis Odour (Att. 18)

Administration Recommended Minimum Standards Smoking and Cannabis Restrictions

- Existing COSG standard: A person must not smoke, vape or consume cannabis in any public place

Cannabis Odour

- Adapt Edmonton CSB wording

Committee Question: Is there desire to add any other standards?

NEXT STEPS

Phase 2: Public Consultation and Engagement (March to July)

- Engagement plan will be brought to this Committee for consideration in March and will include:
 - Recommended timelines,
 - Methods, and
 - Levels of public engagement
- Public consultation is anticipated to occur between April and July.

Phase 3: Community Standards Bylaw Development (August to December)

- Once the public consultation process has been completed, Administration will report back to the Committee in August on:
 - What was heard from the engagement,
 - Bylaw topics that can be “lifted and moved” (CSB 2.0)
 - Policy implications
 - Recommended options (including enforcement penalties)

Questions?

