

Community Standards Bylaw – Potential Matters for Inclusion**Report Purpose**

To provide a report to Council that outlines matters that may be addressed in municipal community standards bylaws, the feasibility of moving matters from existing bylaws into a community standards bylaw, and to obtain Council direction on a proposed bylaw.

Recommendation

THAT Administration prepare, for Council's consideration by end of Q1 2021, a Community Standards Bylaw including the matters set out in Option ____, in Enclosure 4 to the September 29, 2020, Legislative and Legal Services Council Report.

Our Prioritized Strategic Goals

Goal 1 - Build strong communities to support the diverse needs of residents

Goal 8 - Foster an environment for safe communities

Report

Community standards bylaws can be found in many communities in Alberta and across Canada. There are a wide variety of types of these bylaws, from narrow application to very broad, and a large variety of topics that are covered.

After reviewing a significant number of these bylaws, Administration has put together a list of topics that could be included in a community standards bylaw. Enclosure 1 is a listing of topics covered in other municipalities' community standards bylaws, as well as the topics that Administration suggests may be related to community standards. In Enclosure 1 these topics have been sorted into four general areas:

1. Use of Property
2. Property Maintenance
3. Community Standards/Neighbour Relations
4. Use of Public Space

The organization into these categories is simply an aid to review and does not reflect any prevailing practice.

Each of the four categories in Enclosure 1 is divided into three lists:

- topics that are currently addressed in other County bylaws and are recommended to remain in stand-alone bylaws
- topics currently addressed in County bylaws that could be transitioned to a community standards bylaw
- topics that are not currently addressed in any County bylaw and are included in other municipalities' bylaws or have been suggested by Administration

For the topics listed under "Currently Addressed: not recommended for inclusion in Community Standards Bylaw", we suggest these topics remain where they are due to complexity. The current bylaws for these topics are generally longer, include unique definitions, and have interactions between the provisions in different parts of the existing bylaws. The topics listed under "Currently Addressed: recommended for inclusion in Community Standards Bylaw" are generally more straightforward and can easily be moved to a general bylaw.

Enclosure 2 sets out the results of a study of various municipalities Community Standards Bylaws. The study included three out-of-province municipalities and 11 Alberta municipalities. Review of these bylaws revealed the following common topics, all of which would be recommended for consideration in a County Community Standards Bylaw:

- Unsightly premises and nuisance (in all 11 bylaws)
- Graffiti (in 10 bylaws)
- Noise control (in 9 bylaws)
- Outdoor storage of construction supplies and debris (in 8 bylaws)
- Building appearance (in 8 bylaws)

Two topics listed in Enclosure 1 that are not recommended for consideration in a County Community Standards Bylaw are:

1. Smoking, as this topic has been considered by Council previously
2. Political Campaigning, as this has deep roots and protections in the *Charter of Rights and Freedoms*; inclusion in a community standards bylaw may necessitate significant additional research and may delay preparation of a bylaw for Council.

Enclosure 4 has been added to provide Council with four suggested options, if Council wishes to direct administration to prepare a community standards bylaw for the County.

- Option 1: A complete list of topics - this would be the most extensive community standards bylaw option, with 38 topics addressed.
- Option 2: A shorter list of 21 topics. Topics that were removed were either very specific (e.g. icicles on overhangs; seasonal decorations; posting placards, posters, and waybills; and roadside memorials) or might fit into other, broader topics (e.g. unused appliances, repairing motor vehicles, and offensive odours may fit under more-general "unsightly" or "nuisance" provisions.
- Option 3: A list of 12 commonly-addressed topics from other community standards bylaws, along with additional topics that have been previously noted by Council.
- Option 4: The most basic list of the 5 most-common topics in other community standards bylaws.

There are considerations for Council to keep in mind when providing direction on a community standards bylaw.

Enforceability

One of the considerations for Council is whether the topics that are to be addressed are enforceable. Most of the topics that are found in Options 1-4 are found in other jurisdictions' bylaws, and many have been successfully tested in court. This indicates that the topics are appropriately addressed in a municipal bylaw. Careful drafting by administration can assist in preparing provisions that are enforceable. For topics that are already found in Strathcona County bylaws, many have been tested in court, and can be transferred to a community standards bylaw with few changes.

Enforcement

Council may also wish to consider the burden on enforcement personnel when determining what topics should be included in a community standards bylaw.

For topics that are already included in other Strathcona County bylaws, the increase in enforcement activities should be minimal. For additional topics, the increase in enforcement activities will depend on how often the activities occur, and the required enforcement response (e.g., issuance of an Enforcement Order is more time-intensive than issuing a ticket).

Regional Consistency

Council may wish to consider regional consistency in determining which topics should be included in a community standards bylaw. Enclosure 2 shows the content of other community standards bylaws in region. Significant variance from the norm in the region may be unexpected to persons visiting or doing business in Strathcona County (e.g., a ban on placing flyers on vehicle windshields is only found in Red Deer and Okotoks; this might be unexpected in Strathcona County).

Council and Committee History

November 26, 2019	THAT, by the end of the third quarter of 2020, Administration provide a report on: general issues that are addressed via a municipal community standards bylaw; and the feasibility and considerations related to addressing issues such as noise, parking, and unsightly premises in such a bylaw
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Other Impacts

Policy: N/A

Legislative/Legal: If Council wishes to have a draft bylaw, it will be drafted by Legislative and Legal Services, following legal review of the specific standards requested

Interdepartmental: Enforcement Services will have additional standards to enforce. LLS has worked with Planning and Development Services, Transportation and Agriculture Services, Enforcement Services, Utilities (Waste Management), Transit and Recreation, Parks and Culture.

Master Plan/Framework: N/A

Enclosure(s)

- 1 Topics Found in Community Standards Bylaws
- 2 Topics as Found in Other Municipalities' Community Standards Bylaws
- 3 Community Standards Bylaw Topics - Presentation
- 4 Options – Matters for Consideration in Community Standards Bylaw