

Bylaw 18397

Amendments to Bylaw 14614 - Public Places Bylaw

Recommendation:

That the Community and Public Services Committee recommend to City Council:
That Bylaw 18397 be given the appropriate readings.

Purpose

The purpose of this Bylaw is to amend the Public Places Bylaw to regulate public consumption of cannabis and to further restrict the public consumption of tobacco.

Readings

This Bylaw is authorized under the *Municipal Government Act*. A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree: "That Bylaw 18397 be considered for third reading."

Position of Administration

Administration supports this Bylaw.

Previous Committee Action

At the June 6, 2018, Community and Public Services Committee, the following motions were passed:

That Administration draft amendments to the Public Places Bylaw to include Option 2 of the June 6, 2018 Citizen Services report CR_5946, to provide for restriction of public consumption of cannabis.

That Administration draft amendments to the Public Places Bylaw to provide for restriction of public consumption of tobacco spaces with the same restrictions as part E, F and G of Option 2 of the June 6, 2018 Citizen Services report CR_5946.

At the April 10, 2018, City Council meeting, the following motion was passed:

That Administration bring forward proposed amendments to Bylaw 14614 - Public Places Bylaw to the May 23, 2018, Community and Public Services Committee meeting primarily based on Option 3 as outlined in the April 3, 2018, Citizen Services report CR_5708, as well as alternatives and pros and cons.

Report Summary

This Bylaw report contains proposed amendments to the Public Places Bylaw 14614 to regulate the consumption of cannabis and tobacco in public spaces.

Report

On June 6, 2018, Administration presented two options to Community and Public Services Committee to regulate the public consumption of cannabis:

Option 1 - The first option prohibited all public consumption, including all sidewalks and private property where the public has right to access. However, it provided an exception to consume cannabis in lesser used park spaces not commonly frequented by children. It also provided the City Manager with the authority to designate cannabis smoking areas which could be used in the context of festivals or other age appropriate events.

Option 2 - The second option added a number of additional restrictions to the provincial regulations to further limit public consumption by banning consumption on ski hills, golf courses, cemeteries and off-leash areas in addition to schools, hospitals, and child-care facility properties. Other areas where consumption would be prohibited are family friendly attractions, such as Fort Edmonton Park and the Edmonton Valley Zoo.

This option included a 10 metre consumption distance from bus stops, or a doorway, window or air intake of a building or patio, as well as a 30 metre buffer from children's amenities in parks. This option would also give the City Manager delegated authority to designate areas to allow or prohibit cannabis consumption which could be used to create consumption areas within festivals. As an advantage, this option also allows for changes to the Public Places Bylaw to better align tobacco consumption restrictions with these proposed cannabis restrictions.

Committee was supportive of Option 2 and directed Administration to return to the July 4, 2018, Community and Public Services Committee meeting with draft amendments to Bylaw 18397- Public Places Bylaw Amendment No. 7 (Attachment 1). This bylaw amendment restricts cannabis consumption in public spaces as described above.

Option 2 also provides alignment between tobacco and cannabis by banning the smoking of tobacco within 10 metres from bus stops, or a doorway, window or air intake of a building or patio; within 30 metres from playgrounds, bike parks, ice rinks, outdoor pools, sports fields and other children's amenities; and at specific City of Edmonton family attractions.

Administration has also included some general housekeeping amendments to clarify current definitions within the Public Places Bylaw and to improve enforcement effectiveness.

Corporate Outcome(s): Edmonton is a safe city.			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Ensure cannabis education, enforcement programs and related activities are effective.	<ul style="list-style-type: none"> Compliance ratios Number of complaints related to cannabis consumption Number of tickets issued 	<p>Establish benchmarks for Edmonton's compliance, complaint and ticket volume for cannabis over a one year period</p> <p>Compare Edmonton's benchmarks against other cities for cannabis legalization compliance, complaints and tickets</p>	TBD

Public Engagement

Public engagement and discussion on public consumption was conducted through focus groups, public surveys and insight surveys from November 2017 to February 2018. Results of public engagement were provided in the June 6, 2018, CR_5946 Options to Regulate the Public Consumption of Cannabis Committee report.

Budget/Financial Implications

Community Standards and Neighbourhoods requires a combination of peace officers, municipal enforcement officers, transit security officers and dispatch to respond adequately to offences relating to the public consumption of cannabis.

Council approved the 2018 operating budget service package for the cost impacts of cannabis legislation through the April 10, 2018 Financial and Corporate Services report (CR_5511) Spring Supplemental Operating Budget Adjustment. The initial budget estimates for resourcing to enforce regulations, approved in the Operating Budget Adjustment, were based on assumptions outlined in Option 1. Under the proposed amendments to Option 2, there would be a reduction in enforcement requirements.

The reduced enforcement requirements under Option 2 would result in the full-time equivalent and costs being reduced from a budget of 12.7 full-time equivalents and annual program cost of \$1,022,000 to 8.5 full-time equivalents and annual cost of \$852,000. The financial implications of this amendment result in a 2018 cost savings of \$170,000. Reducing program costs is also built into the budget as enforcement programs become established and compliance rates increase.

Attachment

1. Bylaw 18397- Public Places Bylaw Amendment No. 7

Others Reviewing this Report

- M. Sturgeon, Acting Deputy City Manager, Communications and Engagement
- S. Padbury / R. Kits, Acting Deputy City Managers, Financial and Corporate Services
- G. Cebryk, Deputy City Manager, City Operations
- L. McCarthy, Deputy City Manager, Urban Form and Corporate Strategic Development