

## PUBLIC SPACES BYLAWS REVIEW

### RECOMMENDATION

That the August 22, 2022, Office of the City Manager report OCM01402, be received for information.

<b>Requested Council Action</b>	Information only		
<b>ConnectEdmonton's Guiding Principle</b>	<b>ConnectEdmonton Strategic Goals</b>		
<b>CONNECTED</b> This unifies our work as we work to achieve our strategic goals.	Healthy City		
<b>City Plan Values</b>	LIVE. ACCESS.		
<b>City Plan Big City Move(s)</b>	Inclusive and compassionate	<b>Relationship to Council's Strategic Priorities</b>	Community safety and well-being
<b>Corporate Business Plan</b>	Transforming for the future		
<b>Council Policy, Program or Project Relationships</b>	<ul style="list-style-type: none"> <li>● Bylaw 2202 - Parkland Bylaw</li> <li>● Bylaw 8353 - Conduct of Transit Passengers Bylaw</li> <li>● Bylaw 14614 - Public Places Bylaw</li> <li>● Community Safety and Well-being Strategy</li> </ul>		
<b>Related Council Discussions</b>	See Attachment 1		

### Executive Summary

- The City has a number of bylaws that regulate behaviours and activities in public spaces.
- In order to address inconsistencies and unintended impacts, public space regulation needs to be reviewed holistically from a community safety and equity lens.
- Administration has initiated a review of all public spaces bylaws that will result in the development of a comprehensive, new bylaw to replace the existing bylaws.

### REPORT

Active, healthy communities rely on welcoming and diverse public places to provide mobility options, opportunities for interaction and play and functional use of City infrastructure. Regulation of behaviours in public spaces is necessary to ensure safety, protection of property, and balance between diverse and competing uses. Currently, that regulation exists in multiple bylaws, provincial acts, and administrative decisions resulting in a complex collection of rules that can be difficult to navigate and at times conflict with one another.

In April of 2021 and February of 2022, Council passed three motions seeking clarity on public space regulation; these motions are listed in Attachment 1. In addition, through discussion of items such as recent amendments to the Conduct of Transit Passengers Bylaw, Administration recognizes a need to look at public space regulation holistically from a community safety and equity lens.

Beginning in June 2022, Administration initiated a public spaces bylaws review project to conduct a wholesale review and revision of existing bylaws that address enforcement of behaviours in public spaces such as parks, transit, sidewalks and other open areas. While most of these public spaces are publicly owned, privately-owned spaces that permit public access are in-scope for this work. The overall objective of the work is to bring consistency, clarity, and currency to the bylaws and will include a jurisdictional scan of comparable municipalities.

The primary scope of the work will involve the replacement of the City's three primary public spaces bylaws:

- Public Places Bylaw
- Parkland Bylaw
- Conduct of Transit Passengers Bylaw

Other bylaws that contain provisions regulating behaviours in public spaces, such as the Animal Licensing and Control Bylaw provisions regarding off-leash areas, will be brought in-scope as appropriate.

Once complete, the output of the project will include a new, consolidated bylaw governing behaviours in all public spaces. This will create legal parameters that apply to all public spaces in the City with clear, effective and equitable enforcement measures. The goal is to simplify, remove redundancies and mitigate inconsistencies so bylaw terms are easily understood by Edmontonians and teams who work with them. Where specific rules are required for a particular type of public space, for example safety requirements in transit spaces in close proximity to moving vehicles, those will be included as well.

The intended goals of the new bylaw are to:

- Improve public safety and the experience of those who work in and/or use City spaces;
- Apply a GBA+ and accessibility lens to mitigate unintentional impacts of public space regulation and offences;

## **PUBLIC SPACES BYLAWS REVIEW**

- Strengthen the community's trust in laws and enforcement activities through consultation, engagement and action related to legal amendments, and enforcement parameters;
- Ensure the bylaw terms strike the right balance between prescriptive provisions and provisions that leave room for interpretation;
- Be fully aligned with the City's Community Safety and Well-being Strategy;
- Provide clarity to laws and related enforcement actions for Edmontonians; and
- Reduce red tape and user fees by replacing permit requirements with standard expectations that allow residents to use public places in reasonable ways without seeking specific permission from the City.

In addition to the bylaw, implementation tools such as standard operating procedures and extensive public education materials will be required to inform and guide the implementation of the updated rules. This work is included in the project, however will not begin until decisions regarding the content of the new bylaw have been made.

### **Next Steps**

Administration has completed the review of the three in-scope bylaws and identified provisions in other bylaws that should be included in this work. In addition, comparable bylaws from the City of Calgary have been reviewed and mapped against the City of Edmonton provisions to identify areas of consistency and opportunities for alignment. Jurisdictional scans and mapping of bylaws, policies and procedures will continue for other comparable municipalities including Vancouver, Ottawa, Toronto, Winnipeg, and Victoria/Saanich and will inform recommendations for decisions by City Council.

Once the mapping is complete, Administration will determine what policy decisions will be required and develop internal and external engagement strategies to support that decision-making process.

While Council direction on specific bylaw amendments is not immediately required, this report is an opportunity for members of Council to provide feedback on whether the project plan is in alignment with Council's expectations; whether the municipal comparators for the jurisdictional scans are appropriate; and whether Council concurs with the next steps and path forward. This is especially important as Council direction may be required to reschedule reports responding to the motions listed in Attachment 1 in order to align the timing of related motion-drive reports. In addition, Council direction may be required on specific policy decisions as the project proceeds.

This work will take time and Administration will pursue this work diligently and intentionally. There will be substantial community and employee engagement and communication to inform recommendations.

All of the City's current bylaws will remain in effect until a new bylaw is developed and approved by Council.

### **Budget/Financial Implications**

This project will be completed using existing budgets.

## **PUBLIC SPACES BYLAWS REVIEW**

### **COMMUNITY INSIGHT**

In order for the public spaces bylaw to be an effective tool, it must reflect community values and be informed by the lived experiences of those it impacts. A comprehensive plan of public engagement will be developed to seek perspectives from multiple communities and City staff. Engagement will include a focus on Indigenous communities, anti-racism efforts, intersectionality, people with disabilities and others. The project team will also draw on extensive community input that has already been gathered through related initiatives, such as transit rider surveying and engagement on alcohol in parks, as examples.

Public engagement will be used to inform the policy decisions that will form the basis of the new bylaw, and communication strategies will be developed to inform and educate Edmontonians of the new bylaw and its implementation plan.

### **GBA+**

The City's public spaces bylaws impact all Edmontonians and it is recognized that bylaws can impact individuals in inequitable ways. GBA+ will be a primary input to the policy decision-making process that informs the development of the new bylaw, along with learnings from the development and implementation of the Community Safety and Well-being Strategy.

### **ATTACHMENT**

1. Public Spaces Bylaws Pending Motions