

## BYLAW 20700

### Public Spaces Bylaw

#### RECOMMENDATION

That Bylaw 20700 be given the appropriate readings.

#### Purpose

To consolidate and replace the City's three primary public spaces bylaws - Bylaw 2202 - Parkland Bylaw, Bylaw 8353 - Conduct of Transit Passengers Bylaw and Bylaw 14614 - Public Places Bylaw.

#### Readings

Bylaw 20700 is ready for three readings.

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 20700 be considered for third reading."

#### Position of Administration

Administration supports this Bylaw.

#### Report Summary

Bylaw 20700 - Public Spaces Bylaw, consolidates and replaces the City's three primary public spaces bylaws creating a consistent set of expectations for behaviours in public spaces. Policy changes were informed by a jurisdictional scan, public engagement, and the project objectives of promoting safety, reducing red tape, and balancing competing interests in a fair and equitable manner.

#### REPORT

Active, healthy communities rely on welcoming and diverse public spaces to provide mobility options, opportunities for interaction, vibrancy and play, and functional use of City infrastructure.

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Regulation of behaviours in public spaces is necessary to ensure safety, protection of property, and balance between diverse and competing uses.

Beginning in June 2022 and as presented to Community and Public Services Committee on September 9, 2022 (Office of the City Manager report OCM01402, Public Spaces Bylaw Review), Administration initiated a public spaces bylaws 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 publicly accessible areas. While most of these public spaces are publicly owned, privately-owned spaces that permit public access, such as non-City owned pedways, were also in-scope for this work.

The project included completing a mapping of Edmonton's current bylaws and a jurisdictional scan of similar bylaws from comparable Canadian cities, including Calgary, Ottawa and Winnipeg. The jurisdictional scan revealed that some of Edmonton's current offences are comparable, others are unique to Edmonton, and other cities regulate topics not currently addressed in Edmonton. None of the cities reviewed have undertaken a project to consolidate public spaces bylaws into a single source; however, through discussions, they expressed interest and support for consolidation and asked to be kept informed of the results of the project and its implementation.

Through the mapping and jurisdictional scan, a list of nearly 250 offences was created for potential inclusion in a new Public Spaces Bylaw. These offences were sorted into three categories - those that would be included without significant policy shifts, such as prohibiting the visible carrying of weapons in public spaces, those that required review and adjustment, such as the placement of temporary signs on road right of way, and those that required engagement to determine the future policy direction.

As part of the review, public and stakeholder engagement was conducted to understand perspectives around how the City regulates behaviour and activities in public spaces. A total of 6,425 people completed an online survey, and one-on-one stakeholder interviews were conducted with five groups - Homeward Trust, Bissell Centre, Edmonton 2Spirit Society, Alberta Public Interest Research Group (API!RG), and the Edmonton Downtown Business Association - providing an opportunity for in-depth review of perspectives on public spaces and how they should be used and regulated.

Feedback from the engagement process informed some significant proposed changes to the current bylaw. For example, 91 per cent of respondents indicated they were not very concerned or concerned at all about small scale commercial activity in public spaces, which resulted in a proposed shift in Bylaw 20700 allowing licensed Food Trucks and Food Carts to operate in parks and on roadways without requiring a specific permit for each date and time. These vendors must continue to follow all other applicable legislation, such as parking restrictions and provincial health and safety requirements.

The overall objective was to bring consistency, clarity and currency by replacing the City's three primary public spaces bylaws with a new, consolidated bylaw governing behaviours in all public

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spaces. This will create legal parameters that apply to all public spaces in the City with clear, effective and equitable enforcement measures. Specific rules that are required for a particular type of public space; for example, the requirement to pay a fare before entering a transit space, are also included to ensure the unique needs and functions of these spaces are appropriately addressed.

The complete draft bylaw is included as Attachment 1. Attachment 2 provides an annotated copy of the bylaw showing sections that represent no change from current policy, sections where policies have been revised or expanded and sections containing new policy decisions. Given the consolidation and replacement of the three public spaces bylaws, Attachment 2 has been prepared in lieu of a redline of each bylaw.

### **Significant Policy Directions**

#### *Amplification Systems*

Use of amplification systems is not currently regulated in Edmonton unless the use results in significant, inappropriate noise. Bylaw 20700 proposes to restrict the use of amplification systems in all public spaces, except when being used by a person who has been granted permission to use a space, for example event organizers that receive a permit to use a park space, use by owners/operators of a public space, for example events in privately owned but publicly accessible spaces, such as shopping malls, and providing ambient music on patios and indoor public spaces.

Restricting the use of amplification systems can improve the vibrancy of public spaces by ensuring that all users can express themselves equally without excessive noise interfering with the use of the space by others.

#### *Life Jackets*

Federal water safety regulations require water users to have life jackets present in a vessel; however, they do not require them to be worn. Bylaw 20700 enhances the federal requirement by requiring users to wear life jackets at all times when engaging in water vessel activities on the North Saskatchewan River, similar to Calgary's requirement for activities on the Bow River. This change is proposed to increase safety for all river users, especially in light of the considerable growth in river use in the last five years.

#### *Visible Drug Use*

Based on feedback received during public engagement, Bylaw 20700 proposes to expand the rule currently prohibiting visible drug use in transit spaces to all public spaces. Perceptions of safety was a significant concern expressed by Edmontonians during engagement, and 89 per cent indicated they were extremely or very concerned with visible drug use in public spaces. Enforcement officers will continue to collaborate with support agencies and promote referrals and connections as part of enforcement efforts.

#### *Closure of Public Spaces*

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The current Parkland Bylaw closes all parkland spaces between the hours of 11 p.m. and 5 a.m. to all users, and also contains restrictions on establishing temporary abodes in parkland. The broad closure is not included in proposed Bylaw 20700; however, it will remain an offence to enter or remain in any area that has been specifically closed, such as entering a locked building or a gated or fenced area.

### *Temporary Shelters*

Consistent with current bylaws and practice, the establishment of temporary shelters in any public space will be prohibited. There will be no change to the City's response to temporary shelters that may be established, and Administration will continue to work with partner organizations as part of the Encampment Response Team to determine risk levels and respond accordingly.

### *Temporary Signs*

Placement of temporary signs on road right of way, such as boulevards, is currently prohibited without specific permission. Using bylaws from other municipalities as a guide, Bylaw 20700 proposes a set of requirements that signs must comply with, which will allow for signs to be placed in limited locations without permission. Signs that cause damage to public land, or create hazards or safety concerns for pedestrians, roadway users, or any other person will continue to be prohibited. Any sign that does not comply with these proposed regulations, or interferes with roadway operations or City maintenance, such as snow clearing or mowing, can be removed.

## **Continued and Refined Policy Directions**

### *Harassment*

Engaging in communications, including inappropriate speech and display of inappropriate symbols, that causes other public space users to feel harassed continues to be prohibited. Bylaw 20700 strives to promote the equitable and safe use of public spaces by all Edmontonians and retaining this provision supports that objective.

### *Inappropriate Use of Public Spaces*

The rules recently developed for transit spaces prohibiting behaviours that may cause damage to property or interfere with the safe and comfortable use of public spaces by all users, including City employees, are included in Bylaw 20700 and expanded to all public spaces. Behaviours that interfere with the safe and enjoyable use of public spaces by all users are not appropriate in any public space and are contrary to the goal of promoting safe and viable communities.

Specifically for transit spaces, remaining in a transit space while engaging in behaviours that are unrelated to using transit services continues to be prohibited, which includes remaining in a transit space without actively using transit services.

### *Bicycles/E-bikes/E-scooters*

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These mobility options are currently not permitted to operate on sidewalks, and this restriction will continue in proposed Bylaw 20700. Operation on shared pathways and roadways will continue to be permitted, subject to all applicable traffic safety requirements. Consistent with the current Bylaw 5590 - Traffic Bylaw, riding a bicycle with a wheel diameter less than 50 centimetres by a person under the age of 16 will continue to be permitted on sidewalks.

### *Large Events & Performances*

Currently, a permit is required for events with an attendance of greater than 50 persons in parkland. This requirement is expanded to all public spaces, with permission being required for each event to ensure appropriate services can be provided based on the specific needs of each event. Issuing permits for events on City property also allows the City Manager to vary any requirements of the new Public Spaces Bylaw to support the event, such as creating designated no-smoking areas or allowing the use of amplification systems.

In transit spaces, individual permits for performances will no longer be required, however performers must remain in designated areas to ensure the safety of all transit space users and effective functioning of the transit system.

### *Panhandling*

Unlike other municipalities, Edmonton does not significantly regulate panhandling, except where the behaviour becomes aggressive. Based on the public engagement theme of safety, Bylaw 20700 proposes to continue to regulate aggressive panhandling, and adds an additional restriction against panhandling in or adjacent to a roadway to ensure the safety of those making requests and roadway users.

### *Smoking*

Edmonton's current rules regarding smoking and vaping are generally consistent with provincial legislation. Exceptions include increasing the required distance between smoking and doorways and windows from five metres to 10 metres, including non-tobacco products, such as shisha, in the definition of smoking, and prohibiting smoking in certain outdoor venues, such as William Hawrelak Park, Sir Winston Churchill Square and the Edmonton Valley Zoo. As Edmonton's current rules do not conflict with provincial legislation and reflect previous direction from Council, no changes are proposed.

## **Next Steps**

If Council gives three readings to Bylaw 20700 as presented, it will come into force on May 13, 2024. This allows time for enforcement officers to receive training and provide education to public space users on the upcoming changes, and the opportunity for communications materials to be developed and promoted regarding the changes. Administration will work collaboratively with partners, including the Edmonton Police Service, business improvement areas, and private owners of public spaces to ensure awareness of the new bylaw and its application to their specific scenarios.

### COMMUNITY INSIGHT

Public and stakeholder engagement occurred between May and June 2023 and aimed to understand Edmontonians' opinions on a number of behaviors and activities in public spaces.

#### Public Engagement

##### *Online Survey*

The online survey was made available to the public using an open survey link, sent to the Edmonton Insight Community, and shared with 450 stakeholders via email from May 8 to May 21, 2023. Paper copies of the survey were made available at five locations across the city. In total, 6,425 people completed the online survey.

Topics respondents were most concerned about included visible drug use, lingering in public spaces and sleeping in public spaces at night. Topics that were of least concern included small scale commercial activity, performances and playing sports in public spaces.

Among the 6,425 respondents who completed the survey, 700 indicated that they had been at risk of or had experienced homelessness. When asked about their level of concern for specific behaviours in public spaces, topics they were most and least concerned about were similar to other respondents to the survey.

##### *Engaged Edmonton Tools*

Edmontonians were invited to share feedback and ideas on Engaged Edmonton throughout the engagement period. Participants emphasized the importance of feeling safe in public spaces and the need for inclusive spaces for all. Other themes included accommodations for drones that balance recreational use with public safety, proof of payment in LRT stations and increased enforcement.

#### Stakeholder Engagement

City Administration engaged with the Community Services Advisory Board and the following five organizations:

- Homeward Trust
- Bissell Centre
- Edmonton 2Spirit Society
- Alberta Public Interest Research Group (APIRG)
- Edmonton Downtown Business Association

Stakeholders provided diverse feedback about regulations including the importance of equitable enforcement. The need to balance feelings of public safety and provide space for those in vulnerable circumstances was also identified. Stakeholders shared concerns including amplification in public spaces that prevented others from enjoying the space.

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The key themes from all feedback received included safety, enforcement, support for those in vulnerable circumstances, disruption or prevention from using public spaces and maintenance of cleanliness of public spaces.

Results showed that there is a need for strong communication to both organizations and the public about *what* and *where* activities are allowed and not allowed. Furthermore, rules and regulations should be easy to understand and apply (consider English as a second language or lower literacy).

The What We Heard Report (Attachment 3) provides a summary of the feedback received through the engagement process.

### GBA+

To encourage stakeholder organizations to share the online survey with members of their diverse communities, a communications toolkit was developed and distributed via email to 450 organizations. To ensure a range of perspectives contributed, Administration developed criteria to select organizations for one-on-one engagement that represent equity-deserving groups, address a cultural perspective, identify a power imbalance, help ensure fair and equal access to the process and/or are impacted by the bylaw or changes to the bylaw.

Administration undertook the following tactics to ensure diverse perspectives were heard:

- Four of the five stakeholder interviews included community organizations that provided services for low-income groups, housing and homelessness, BIPOC communities and 2SLGBTQIA+ communities.
- Organizations were selected based on a criteria matrix, in consultation with colleagues from the RECOVER team, as well as in consultation with the Community Services Advisory Board.
- To ensure there were opportunities for groups with lower online presence to provide their feedback, paper copies of the survey were distributed at five locations across the city (Mustard Seed Mosaic Centre and Edmonton Public Libraries).
- The survey included a question specifically asking for input from those who had experienced or had been at risk of homelessness to allow those with lived experience to share their insights.

## ATTACHMENTS

1. Bylaw 20700 - Public Spaces Bylaw
2. Bylaw 20700 - Public Spaces Bylaw - Annotated
3. What We Heard Report and Appendix