



ELS02103rev

Edmonton

## **Bylaw 20700 - Public Spaces Bylaw - Additional Information**

Community and Public Services Committee  
February 10, 2025

# Public Spaces Bylaw: Background

- **September 2022:** Presentation to Community and Public Services Committee outlining Public Spaces Bylaw concept and plan.
- **2022 - 2023:** First round of public engagement; bylaw drafting.
- **February 14, 2024:** Presented first draft of Public Spaces Bylaw to Council at Non-Statutory Public Hearing; referral motion.
- **February 2024 - current:** Completed analyses and bylaw revisions.

# February 14, 2024 referral motion

## *Part 1 of 2*

That Bylaw 20700 - Public Spaces Bylaw be referred back to Administration to complete further research and analysis and to incorporate the following into the bylaw report, including any potential further recommended amendments for consideration when this report comes back:

- a. Comprehensive GBA+ analysis including data and research including, but not limited to, anti-racism, criminalization of poverty, LGBTQ2S+ specific considerations with public spaces and how these findings were or were not integrated into the proposed bylaw and why.
- b. A climate review with options to support better environmental stewardship in public spaces, including but not limited to, the River Valley.
- c. Comprehensive rationale for any fine changes in the proposed bylaw.
- d. A jurisdictional scan of municipal fine amounts for the same infraction where the fine is not the same as current policy or is a new offence.
- e. A detailed review of the 50 person gathering permit requirement and amplification systems to ensuring the rights to protest and gather are not infringed through this bylaw.

# February 14, 2024 referral motion

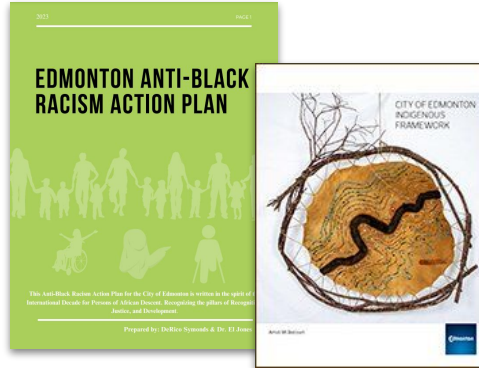
## *Part 2 of 2*

2. That Administration prepare the following amendments to Bylaw 20700 - Public Spaces Bylaw and return to a future Committee meeting:
  - A. clarify that “herbicides” are included in section section 44.
  - B. refine the definition of “temporary shelters” in section 46 to include for the purpose of sheltering.
  - C. Delete section 54.
  - D. clarify that sidewalk chalk is not included in section 62.
  - E. change all minimum fine amounts to specified fines.
  - F. Remove (or modify) reference to “inappropriate use of transit spaces” throughout the bylaw.
  - G. remove the exception for feeding birds and feral cats in public spaces in section 16.
  - H. clarify that the definition of weapon includes, but is not limited to, the listed items in section 28.
  - I. revise the relevant sections of Part XIV to allow bicycles, e-bicycles, e-scooters, inline skates, roller skates, and skateboards in park spaces provided the use does not cause damage.
  - J. revise the relevant sections of Part XIV to allow bicycles, e-bikes, scooters, inline skates, roller skates, and skateboards in areas where protected active transportation infrastructure does not exist.

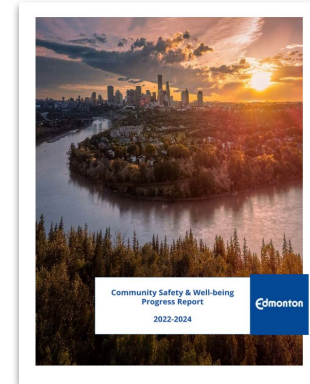
# Public Spaces Bylaw in Context



*ConnectEdmonton,  
City Plan*



*Anti-Black Racism Action Plan,  
Indigenous Framework, and more*



*Community Safety & Well-being Strategy  
(CSWB)*



<b>THE CITY OF EDMONTON BYLAW 20700 PUBLIC SPACES BYLAW</b>		
Edmonton City Council enacts:		
<b>PART I - PURPOSE AND INTERPRETATION</b>		
<b>PURPOSE</b>	<b>1</b>	The purpose of this bylaw is to regulate the City's public spaces and other areas in a manner that supports fairness, fosters safe and viable communities and the well-being of the environment, and promotes responsible stewardship of City assets and resources.

***Public Spaces Bylaw***



# Work Completed from February 2024 - present:

## Research and analysis directed by Part 1 of the referral motion:

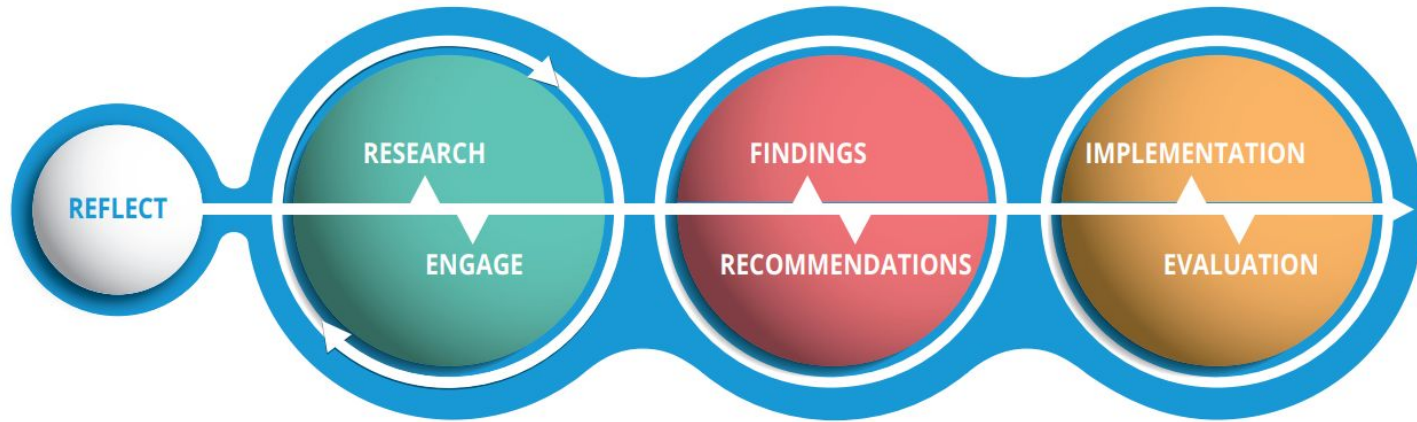
- a. ✓ Drafted comprehensive GBA+ analysis, including targeted strategic engagement (*more details on following slide*).
- b. ✓ Climate Review.
- c. ✓ Comprehensive review and rationale of fine amounts.
- d. ✓ Jurisdictional scan on fine amounts.
- e. ✓ A detailed review of the 50 person gathering / protest permit requirement and amplification regulation including relevant Charter cases and law.

## Other work:

- ✓ Updated draft bylaw to incorporate changes directed from **Part 2** of the referral motion.
- ✓ Information sessions delivered to City Council and City-affiliated Council advisory groups.

# Work Completed from February 2024 - present

## *Details of GBA+ Process*

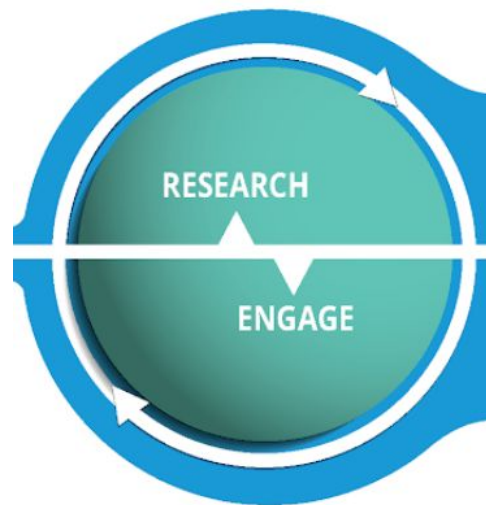


# Work Completed from February 2024 - present

## *Details of GBA+ Process*

**Modified Engagement Process** collected engagement findings from:

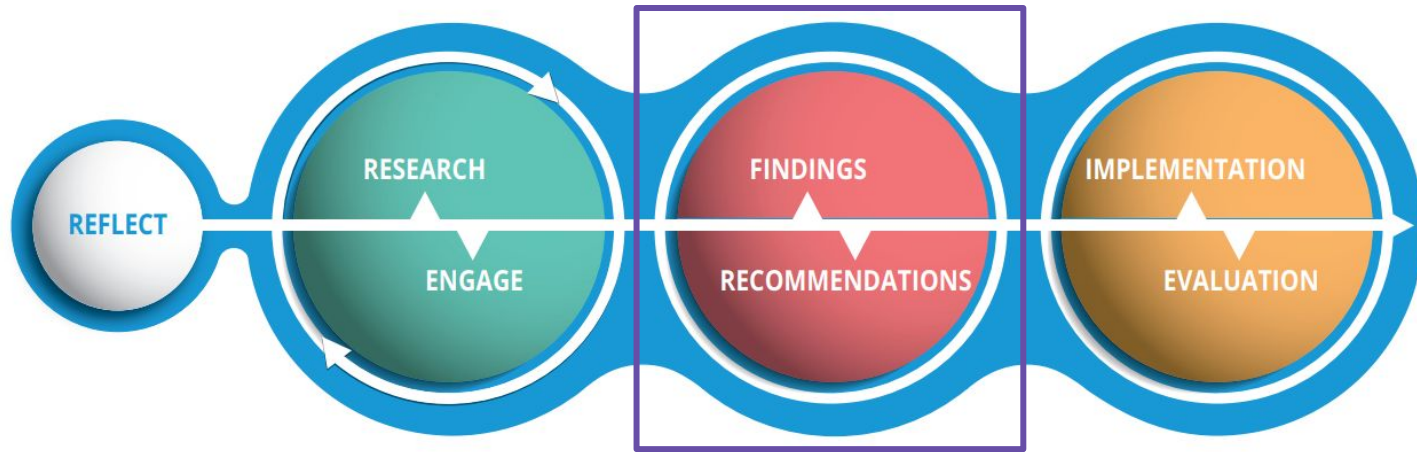
- Public Spaces Bylaw 2023 “What We Heard” report;
- Public feedback received at the February 2024 public hearing (*including Council advisory groups*);
- Previous engagements on other projects involving overlapping topics;
- Front-line City staff members.





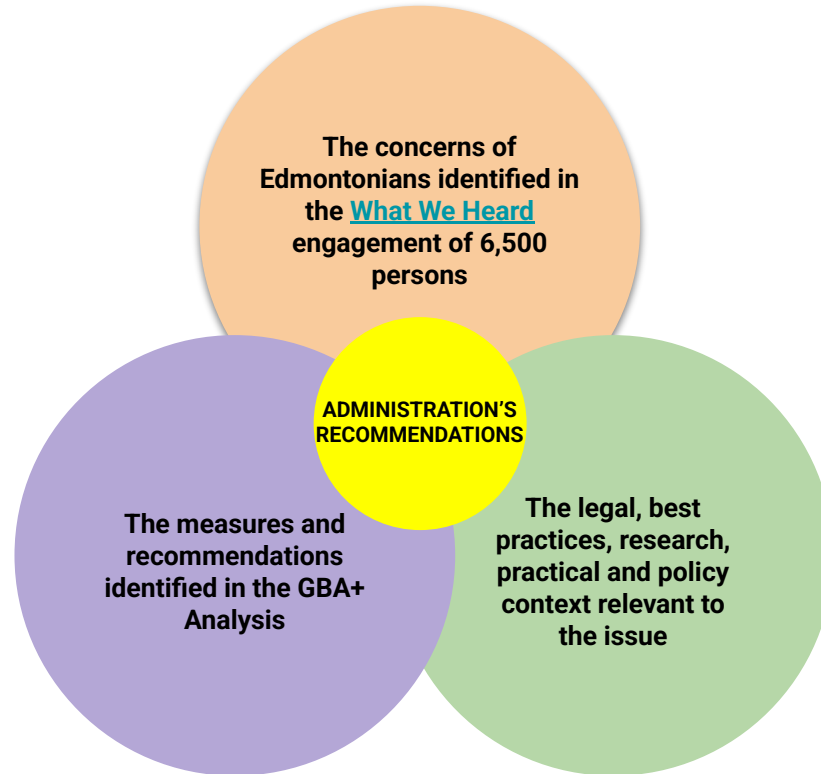
# Work Completed from February 2024 - present

## *Details of GBA+ Process*



# Considerations

Administration's policy recommendations balance **three inputs**:



# Policy Decision - Balancing of Considerations

## Visible Drug Use in Public Spaces

- **Current State:** Visible use of controlled substances is not permitted on transit property; unregulated in other spaces.
- **February 2024 Draft Bylaw** proposed a provision that *“a person must not visibly possess, consume, or use a controlled substance, as defined in the Controlled Drug and Substances Act (Canada), in a public space”*.

# Policy Decision - Balancing of Considerations

## Visible Drug Use in Public Spaces

- **Survey:** This was the **#1 top concern** for surveyed Edmontonians, with 89% of Edmontonians surveyed being “extremely concerned” or “very concerned” with visible drug use in public spaces.
- **GBA+ findings** note that this prohibition will disproportionately impact vulnerable persons and has recommended that the City’s policies should facilitate a public health approach to drug use and not pursue a punitive approach to this issue.
- **Legally**, consumption of substances identified in the *Controlled Drugs and Substances Act* is already illegal under the Criminal Law.
- **Practically**, addressing drug use as a regulatory bylaw offence would allow Peace Officers to be lawfully placed to intervene, without resorting to EPS involvement or engaging the criminal law.

# Policy Decision - Administration's Recommended Approach

## Visible Drug Use in Public Spaces

**Recommended approach is to regulate visible drug use in all public spaces.**

- *Change in policy from February 2024 Draft Bylaw proposes to reduce the specified fine to a nominal \$25 fine.*

# Policy Decision - Balancing of Considerations

## Large Public Events on City Lands

- **Current state** is a 50 person gathering permit requirement for parkland, but no other public spaces
- **February 2024 Draft Bylaw** proposed a requirement for a permit for all gatherings in City-owned or operated public space with more than fifty (50) persons.

# Policy Decision - Balancing of Considerations

## Large Public Events on City Lands

- **Survey:** This was a low-moderate concern for Edmontonians. Concerns raised at the February 14, 2024 Public Hearing.
- **GBA+ findings** have noted that protest gatherings provide a method for voices that are historically unheard to be advanced - caution must be taken not to interfere with lawful protest.
- **Legally,** the City is obliged to maintain public spaces in a reasonable state of repair.
- **Practically,** a permitting system enables Administration to ensure safety, security and proper use of City assets.

# Policy Decision - Administration's Recommended Approach

## Large Public Events on City Lands

**Special Events - recommended policy approach is to require a permit - *not to be unreasonably withheld* - for gatherings over 100 persons when they occur on lands owned or operated by the City.**

- ***Includes safeguards to protect fundamental rights and freedoms:***
  - ◆ *legally, where “a decision has an unjustified and disproportionate impact on a Charter right, it will always be **unreasonable**”. A decision to withhold or refuse a permit must be legally justifiable.*
- ***Partial change in policy from 2024:***
  - ◆ *raised the threshold to 100 persons to ensure grassroots community events, spontaneous activism, and social events are not inadvertently captured.*



# Policy Decision- Balancing of Considerations

## Sound Amplification

**Current state** is no restrictions on amplification.

**February 2024 Draft Bylaw** proposed a prohibition on amplification.

- **Survey:** This was a moderate concern for Edmontonians. The amplification prohibition was a proposed new policy in 2024, and was the subject of concern at the February 14, 2024 Public Hearing.
- **GBA+ findings** have noted that amplification provides a method for voices that are historically unheard to be advanced. The analysis also notes that amplification can be used to amplify hateful, discriminatory and divisive messages.
- **Legally,** the Alberta courts have confirmed that a prohibition on amplification is a reasonable limit on the freedom of expression. Amplification regulations control noise; they should be content-neutral and not purport to allow some messages and prohibit others.

# Policy Decision - Administration's Recommended Approach

## Sound Amplification

**While a municipality may lawfully regulate sound amplification, Administration does not recommend regulating this under the Public Spaces Bylaw.**

- *No change from current state*
- *The existing Community Standards Bylaw regulates excessive noise levels*
- *The draft Public Spaces Bylaw maintains a prohibition on "harassment" and the Criminal Code prohibits hate speech*

# Policy Decision - Balancing of Considerations

## Temporary Shelters (Encampments)

**Current state** is that temporary shelters are prohibited on parkland (which is very broadly defined) and road rights-of-way.

**February 2024 Draft Bylaw** proposed a prohibition on erecting a temporary shelter in any public place. Functionally, the impact is the same as current state.

- **Survey:** This is a significant concern for Edmontonians - very polarizing issue. 71% of Edmontonians polled are “extremely concerned” or “very concerned” with public spaces being used for persons sleeping at night.
- **GBA+** has proposed various options for both policy and enforcement changes. Some are within our capability as a municipality, some are not. The analysis considers leading practices which include designated encampment locations and increased housing options.
- **Legally,** the law of encampments and outdoor sheltering is nuanced and complex. In short, we some have flexibility in our policy approach because, in Edmonton, there are sufficient shelter beds to accommodate those sleeping in shelters and outdoors.

# Policy Decision - Administration's Recommended Approach

## Temporary Shelters (Encampments)

**Recommended policy approach is to maintain broad prohibition on outdoor sheltering.**

- *Solutions to this issue are not through a bylaw, but through **the active provision of services and support***
- *Research demonstrating standard tents provide little to no defense from cold without a heating source - **severe fire and frostbite risks***
- *In January 2025:*
  - ◆ *10 EFRS calls to encampments where injury or property damage occurred*
  - ◆ *66 total calls (averaging more than three EFRS emergency calls for service per **day**)*

# Policy Decision - Administration's Recommended Approach

## Temporary Shelters (Encampments)

**Recommended policy approach is to maintain broad prohibition on outdoor sheltering.**

- *There are no scenarios that are "safer" or "safe enough" (i.e. time and spaces regulations)*
- *Regulation provides a mechanism for lawful placement and intervention where required - prioritizing practical safety considerations guided by public policy that encourages indoor sheltering*
- *Edmonton has indoor shelter spaces available for those sheltering outdoors, inclusive options, shelters that can scale capacity upwards immediately during extreme demand*
- *Intention of this provision is to enable intervention - \$25 (nominal) fine reduces unintended impacts*

# Policy Decision - Balancing of Considerations

## Appropriate Use of Transit Property

### Current state:

- Regulates behaviour that can reasonably be expected to interfere with the “safety and comfort” of others; and
- Remaining on transit property while engaging in behaviours other than related to using transit.

### February 2024 Draft Bylaw:

- Regulated behaviours in all public spaces that would reasonably be expected to interfere with the “safety and comfort” of others; and
- Indicated “Inappropriate Use of Transit Space” in the marginal note, while the offence was outlined as behaviours unrelated to using transit; it was deemed that if a person was in a transit space longer than vehicles in all routes coming and going that a person was not using the space for transit purposes.

# Policy Decision - Balancing of Considerations

## Appropriate Use of Transit Property

- **Survey:** Transit Security is a **significant** concern for Edmontonians, transit users, transit staff (including operators) and City Council.
- **GBA+ findings** note that transit spaces are often used for shelter by unhoused and vulnerable people. However, many equity-deserving, elderly, young people and lower income persons rely on transit, and should be afforded a safe experience.
- **Legally,** we have an obligation under the MGA (s. 534) to maintain our public spaces in a reasonable state of repair. Case law recognizes that a municipality cannot prevent all security incidents on transit, but if our negligence contributes to a criminal act occurring, the City can be found liable for damages.

# Policy Decision - Administration's Recommended Approach

## Appropriate Use of Transit Property

**Reinforce the requirement that transit spaces be used for transit purposes; continue to regulate unsafe behaviours on transit**

- **Update verbiage, regulating behaviours that interfere with:**
  - ◆ **FROM "comfort and enjoyment"**
  - ◆ **TO "physical and psychological safety"**

*Partial change in policy - this approach reinforces that transit spaces should be used for transit purposes, but removes the presumptive inappropriate use provision, which was the cause of much concern by speakers at the public hearing.*



# Policy Decision - Balancing of Considerations

## Bicycle Use on Sidewalks

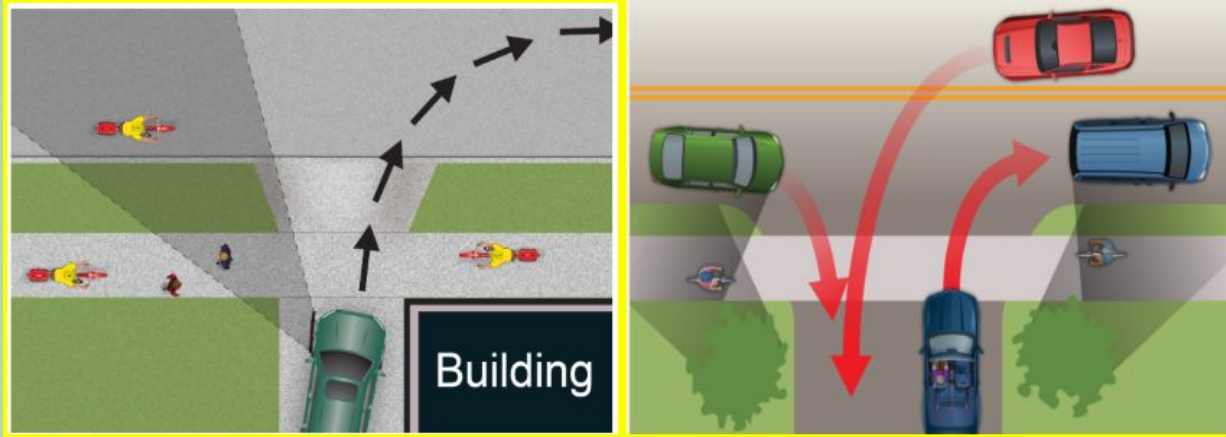
**Current state:** Bicycles are generally not allowed on sidewalks (exceptions include bike paths, or when the wheel is smaller than 50 cm)

**February 2024 referral motion** directed that bicycle use be permitted on sidewalks - Administration has raised serious safety concerns with this outcome

- **GBA+ findings:** Fast-moving cyclists and e-scooters in pedestrian spaces compromises the safety and comfort of all sidewalk users and increases demand in already limited space.

## Policy Decision - Considerations

### Safety Analysis - Bicycle Use on Sidewalks



*A driver turning right does not check for approaching cyclists on sidewalks, and has lower visibility to a cyclist on the sidewalk compared to the roadway*

*The risk of potential conflict points is enhanced when cyclists ride on sidewalks due to the higher speed of cyclists compared to pedestrians*

## Policy Decision - Considerations

### Safety Analysis - Bicycle Use on Sidewalks

*According to 2017-2023 collision data compiled by Safe Mobility:*

- Cyclists riding from sidewalks are more likely to be struck by right-turning vehicles than cyclists riding on the road
- Low speed, low volume roads and roads with cycling infrastructure are not high risk spaces for crashes
- Whether a crash does occur on the road or a sidewalk, the location does not change the severity of injury
- Intersections along arterial roads with parking and without cycling infrastructure are the highest risk locations for cyclist/e-scooter crashes

# Policy Decision - Considerations

## Safety Analysis - Bicycle Use on Sidewalks

Category of Bike Infrastructure*	Coverage	% Coverage of Road Network
Current (2024 and Prior)	Actual	76.84%
	With 200 m Buffer	81.19%
Future (Planned by End of 2026)	Actual	78.71%
	With 200 m Buffer	<b>83.17%</b>

*\*Includes painted and protected bike lanes, Shared Use Pathways, river valley shared pathways and unpaved trails; includes both substandard and standard routes.*

# Policy Decision - Administration's Recommended Approach

## Bicycle Use on Sidewalks

**Align sidewalk riding restrictions with best practice to reflect age of rider (14 years) instead of wheel size (current approach)**

*Change in policy - Administration's recommended approach is to include a prohibition that exempts riders under a specific age (14).*

# City Enforcement Officer Training

**Audit Findings**  
**Action Plans**  
Safer for All  
**Compassion** Awareness Standards  
**GBA+** Inclusion  
Indigenous **CSWB Funding** Anti-Racism  
25 to 40 hours  
6,000 training hours  
59 mandatory courses  
**Modernization**  
Trauma Informed Practice

# Bylaw Enforcement - The 4 Es

## Engage

- Establish awareness of the situation
- Provide an opportunity to express views
- Listen

## Explain

- Treat people with dignity and respect
- Highlight rationale and explain wider social factors

## Encourage

- Encourage people to act reasonably
- Be consistent in approach
- Willingness to explain why a certain action is being requested

## Enforce

- The last resort
- Only to be taken if the earlier steps are unsuccessful
- Providing a ticket, removal, etc.

## Enforcement Statistics

	2022	2023	2024
<b>Tickets (Peace Officers)</b>	12,413	16,580	16,942
<b>Warnings (Peace Officers)</b>	52,232	60,800	71,745
<b>Narcan Administration</b>	231	502	376
<b>Use of Force (per 1,000 occurrences)</b>	3.5	2.9	2.5



## Explaining Fines in Municipal Legislation

- In order to constitute an offence, and allow enforcement staff to intervene, there must be a prohibition and a penalty.
- The MGA allows up to \$10,000 fine or one year imprisonment for bylaw offences. No reference in MGA to other sentencing options (diversion programs).
- Provincial regulations now allow all bylaw tickets \$1,000 and under to be issued as Part 3 Tickets - no possibility of warrants or incarceration for unpaid fines on Part 3 Tickets. Treated like a parking ticket.
- Administration has reviewed other municipalities' fine amounts, with focus on Calgary and Winnipeg, given the similar provincial legislative frameworks ("apples to apples comparison").

## Selecting Fines in the Public Spaces Bylaw

- Fines are intended to serve as a deterrent for unlawful conduct and consequence for unlawful behaviour.
- Some conduct regulated by the bylaw is generally intentional or reckless (setting off fireworks) while other conduct may arise through lack of diligence (dog at large).
- Some conduct creates individual safety risks (skating on storm ponds or the river) whereas others has broader public consequences (special event permits).
- Some conduct is inherently dangerous, but intervention is more critical than public deterrence or imposing consequences (temporary sheltering, panhandling on a roadway).

## Nominal Fines for Lawful Intervention Offences

- Administration is recommending \$25 fines for three offences under the bylaw where **both** of the following factors apply:
  - (a) The primary reason that the offence exists in the bylaw is to ensure that enforcement officers have lawful authority to intervene to immediately discontinue the conduct; and
  - (b) The GBA+ review indicates that the offence could disproportionately impact vulnerable persons or groups.

*Recommended offences for this are visible drug use in public, temporary sheltering, and panhandling on a roadway.*

## Next Steps

- Draft minor amendments can be prepared by Administration for consideration by Council. Major revisions would require more time.
- If passed, the bylaw is proposed to come into effect May 12, 2025 to allow time for Peace Officer training and a public education campaign.
- A two-phased communications campaign (awareness and implementation) will inform the public, with website updates and program-specific messaging tailored to audience segmentations.

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# Questions