

## ADDITIONAL POTENTIAL AMENDMENTS TO COMMUNITY STANDARDS BYLAW

Proposed Amendment	Intent Achieved within Proposed Bylaw or Existing Process	Administrative Rationale	Draft motion should Council wish to proceed.
1. That developers submit a Construction Debris Management Plan for the development area to the City for approval prior to the commencement of construction and that adhere to the approved Construction Debris Management Plan and ensure that all builders within the development area comply with the approved plan, which would be a requirement of the development permit.	Yes	<p>The intent of this proposed amendment is achieved by having a notation on development permits requiring construction sites to be kept clean and free from debris, without the additional need to submit a construction debris management plan. The enhanced clarity within the proposed Community Standards Bylaw provides additional likelihood of successful enforcement.</p> <p>This would add an additional level of administration.</p>	That Administration further investigate the viability of implementing a Construction Debris Management Plan as part of any new or existing Development Agreements and bring back costs and impacts to Council for consideration by xxxx.
2. That developers be responsible, at their own	Yes	The proposed amendments hold the property owner responsible	That Administration further investigate the viability of entering into agreements

<p>cost and expense, for the cleanup and removal of all construction debris, foreign material, and dirt on their construction sites and public property, including roadways, within and adjacent to the development area.</p>	<p>for ensuring that construction debris is placed in a waste receptacle with a cover as well as ensuring that construction material is stored in an orderly and organized manner. If the developer is the property owner, they will be held to the same requirements. Once a developer sells a lot to a builder, they do not have legal right to enter private property to clean.</p> <p>Through the City's existing <i>Traffic Bylaw</i>, provisions exist that prohibit obstructions on roadways/public property (including mud/dirt) and prohibits unauthorized waste disposal.</p> <p>Where a Bylaw violation has occurred, and the appropriate order has been issued, the Municipal Government Act allows the City to enter the property to remedy the contraventions and bill the expenses back to the property owner.</p> <p>The City currently collects a roadway sweeping levy from</p>	<p>or other legal processes that would require developers to maintain and cleanup public property within and adjacent to the development area by <b>xxxx</b>.</p>
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		<p>developers that funds roadway cleaning in cases where the City believes that the accumulation of dirt/mud on the roadway requires clean up.</p> <p>Through the proposed amendments to the Community Standards Bylaw and enhanced communications with developers, as well as enhanced awareness/clean-up after wind-storms the intention is to prevent construction debris from spreading.</p> <p>Administration believes that the totality of these various measures addresses the intent of holding the applicable parties responsible for construction debris matters.</p>	
<p>3. That covers on construction waste receptacles be kept closed from when construction garbage is not actively being loaded.</p>	<p>Yes</p>	<p>The intent of this clause exists within the proposed Bylaw amendments. If administration's proposed amendments are passed property owners will be in violation of the bylaw if they have construction debris outside that is</p>	

		not contained within a covered waste container.	
4. That the owner or occupant of land is not held responsible for failing to close receptacle covers where there are clear signs of illegal dumping.	Yes	<p>The intent of this clause exists within the proposed amendments to the Bylaw in that officers will use their discretion when considering enforcement actions.</p> <p>Adding a provision such as this will create a loophole and prosecution challenge that a property owner could take advantage of to avoid being held responsible for not having a cover on a waste container.</p>	
5. That developers provide a deposit each year for construction waste clean up, that is renewed annually during the construction period, and is a requirement for development permits.	No	<p>See Administrative rationale for #1.</p> <p>The recommendation is to continue to enforce construction debris through the Community Standards Bylaw.</p> <p>Implementation of this mechanism would add an additional level of administration that would not be 100% recoverable.</p>	That Administration further investigate the viability of implementing a Construction Debris clean up plan that would have developers provide a funding to the City on an annual and ongoing basis to be used to increase City service levels to clean up construction debris that is located on City property and bring back the costs and impacts to Council for consideration by <b>xxxxx</b> .

		Once a developer sells a lot to a builder, they do not have legal right to enter private property to clean.	
6. That where the City determines cleanup is required, the developer must take all necessary action within forty-eight (48) hours of receiving notice from the City and if the developer fails to complete the required cleanup within forty-eight (48) hours, the City or a contractor through the city may undertake the cleanup and charge back all associated costs and expenses to the developer.	Yes	<p>Through existing processes and practices, officers have the ability and discretion to provide 48 hrs notice to property owners to remedy a violation of a bylaw. This is done on a case by case basis pending the totality of the violation as well as reasonability of the cleanup demand. Consequences for failing to comply could result in a \$1000 fine.</p> <p>In order for the City to enter private property and take action to remedy a violation, appropriate notices must be provided that are compliant with the Municipal Government Act (MGA). The applicable MGA Order to remedy this type of matter has a 14 day appeal period to Council, thus requiring a min of 14 days for a cleanup. These regulations prevent the City from entering the property after 48 hrs to cleanup.</p>	

<p>7. That escalating penalties are applied for multiple construction debris violations, per offence in the same 3-month period, up to a 7 day stop work order for 5 or more offences in a 3-month period. That each day that a violation that continues after forty-eight (48) hours from first notification of a violation from the city will also constitute a separate offence.</p>	<p>No</p>	<p>Through existing practices and processes officers have the ability to increase the consequences for multiple violations. This is done through issuance of a mandatory court summons that compels an accused person/company to court and upon conviction or guilty plea, the judge, after consideration of the seriousness of the incidents, can increase the fine amount up to the maximum allowed by law which is \$10,000 or an order of imprisonment of up to 1 year or both. This process is consistent with all other City bylaws.</p> <p>Section 10 of the existing Community Standards Bylaw states that each day during which a contravention continues, is considered to be a separate offence.</p>	<p>That Administration prepare amendments to Schedule 1 of the Community Standards Bylaw that would set appropriate escalating specified penalty amounts for violations related to the offence of having construction debris not contained within a covered waste container, and bring back for Council consideration by xxxx.</p>
<p>8. That all construction and excavation materials related to construction be confined to the construction site.</p>	<p>Yes</p>	<p>The intent of this clause exists within the proposed bylaw under the new subsection 5(2)(b.2).</p>	

<p>9. That owners or occupants of residential premises ensure that all building materials stored on the property are stacked or stored in an orderly manner.</p>	<p>Yes</p>	<p>The intent of this clause exists within the proposed bylaw under the new subsection 5(2)(b.2).</p>	
<p>10. That it not be considered an offence to store a small amount of neatly stacked materials on residential premises for basic property maintenance.</p>	<p>Yes</p>	<p>The intent of this clause exists within the proposed amendments to the Bylaw in that the new proposed definition of “Construction Materials” does not include material for basic property maintenance.</p>	
<p>11. That construction sites maintain a designated staging or storage area for construction materials.</p>	<p>Yes</p>	<p>The intent of this clause exists within the proposed Bylaw, in that construction materials must be stored on an orderly and organized manner (new subsection 5(2)(b.2)).</p>	
<p>12. That construction waste containers be maintained at or below approximately eighty percent (80%) capacity and kept in proper working condition.</p>	<p>Yes</p>	<p>The intent of this clause exists within the proposed Bylaw in that all construction debris must be placed in a covered waste container and should there be any construction debris that is not covered or overflowing, it will be deemed a violation.</p>	

13. That enforcement officers be authorized to issue violations to any responsible party, including developers, owners, contractors, or other responsible persons involved in the construction activity.	Yes	The proposed amendments to the Community Standards Bylaw provide this authorization through existing provisions and definitions of Person, Own and Occupy.	
14. That contractors post a sign at construction sites measuring at least 16 inches by 24 inches providing the website page and phone number to submit construction debris violation complaints, with a requirement of complaints regarding construction debris violations to include the location of the incident and an accompanying photograph that shows the issue.	No	Administration intends to achieve the intention of this addition by making it a condition of the development permit to advertise address and contact information at active construction sites.  No amendment is required from Council to achieve this.	
15. That Administration provide Council an annual report detailing the number	No	Administration does not recommend this due to the amount of administrative time	That Administration provide Council an annual report detailing the number of construction waste complaints

<p>of construction waste complaints received, the number of investigations conducted, fines issued, and any enforcement measures taken during the previous calendar year.</p>		<p>necessary to produce and maintain this level of detailed reporting. As an alternative for consideration, Administration can explore opportunities and endeavour to incorporate some of this information in the annual department reports that are currently provided.</p> <p>Administration will be monitoring the effectiveness of 2026 measures, should they be approved by Council.</p>	<p>received, the number of investigations conducted, fines issued, and any enforcement measures taken during the previous calendar year.</p>
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