



Legislation Text

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TAMRMS#: B06

Bylaw 36/2017 Protection of Persons and Property & Bylaw 37/2017 Parks

Presented by: Aaron Giesbrecht, Manager

RECOMMENDATION(S)

Protection of Person's and Property Bylaw

1. That Bylaw 36/2017, being a bylaw to provide for the Protection of Persons and Property within the City of St. Albert, be read a first time.

Parks Bylaw

2. That Bylaw 37/2017, being amendment 2 to the Parks Bylaw 19/65, be read a first time.
3. That Administration gather and incorporate feedback on Bylaw 36/2017 Protection of Persons & Property and Bylaw 37/2017 Parks and bring both Bylaws back to Council for 2nd and 3rd reading prior to the end of Q3, 2017.

PURPOSE OF REPORT

Council has directed Administration to draft and present a new Protection of Person's and Property Bylaw in accordance with direction from the July 4, 2016 Council meeting. This report and the attached Bylaw is being presented to share the proposed Bylaw that Administration has prepared.

COUNCIL DIRECTION

On July 4, 2016 Council passed the following motions:

(C453-2016)

That Administration draft a new Protection of Persons and Property Bylaw as outlined in Attachment 2 to the July 4, 2016 agenda report entitled "Protection of Persons and Property Bylaw Review Report" and bring it to Council for consideration by June 30, 2017.

BACKGROUND AND DISCUSSION

On July 4, 2016 Administration presented Council with the results of a routine administrative review of the Protection of Persons and Property Bylaw. The review was initiated in keeping with the intent of Council Policy C-CC-1 City Council and Administrative Policy Development, where Administration had recognized that this Bylaw had not been reviewed since 1986.

The Protection of Persons and Property Bylaw 11/63 was originally enacted in 1963. Amendments took place in 1972 as well as 1986.

The Bylaw as it stands today regulates five main activities:

1. Prohibits offensive language and unseemly conduct in Public.
2. Prohibits Loitering in Public.
3. Prohibits the use of a firearm, bow and arrow, sling shot, bb gun or other similar device in public or on private property.
4. Prohibits interference with a fire hydrant or water main.
5. Prohibits playing/practice of golf in any parks.

The specified penalties for these offences are either \$10 or \$25.

There were four (4) key findings that came from Administration's review of this Bylaw. They can be summarized as:

1. Legislation and bylaw writing standards have changed since that time necessitating that the outdated provisions be remedied.
2. Some of the prohibited activities in the bylaw are prohibited in the Criminal Code of Canada or other Municipal Bylaws.
3. The Bylaw was used very little in the past by officers.
4. Specified Penalties listed in the Bylaw are not believed to be a deterrent as they are extremely low at \$10 and \$25 with a maximum fine of \$50.

Taking the four general findings into consideration, Administration had recommended nine (9) changes to take place. Council supported the recommendations as presented. The previous Agenda Report outlined those changes and the rationale and can be found in the previously distributed Agenda Report attachment from July 4, 2016.

Administration has proposed two Bylaws to be passed to meet Council's previous direction. One is related to the establishment of a new Protection of Person and Property Bylaw (including repeal of the old) and the other is a bylaw that would amend the current Parks Bylaw by transferring the prohibition of playing golf from the Protection Bylaw into the Parks Bylaw.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

As previously communicated in the July 4, 2016 report, this particular Bylaw is relatively straightforward, with no large deviation from the current regulations. Because of this, Administration is not recommending any large scale public engagement activities.

If the recommended motions pass, Administration will look to advertise and seek public feedback through conventional methods and within existing resources. Any feedback received will be summarized and presented to Council for information at the time Council considers 2nd and 3rd readings.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

- ☐ None of significance at this time. Public engagement and information sharing can be done with existing resources.

Legal / Risk:

- ☐ Regarding the recommendations there are no legal implications of note at this time.

Program or Service:

- ☐ Updating the Protection of Persons and Property Bylaw will result in a positive impact to operations by helping ensure that both RCMP and Municipal Enforcement Officers have the options and tools necessary to keep the community safe.

Organizational:

- ☐ Administration does not anticipate that these recommendations will result in an increase in complaints or calls for service which would normally necessitate additional resources for enforcement.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendations, the following alternatives could be considered:

- a) Alternative 1: Refer the matter back to Administration for further consideration, as per the general discussion held by Council, and direct that a revised report be brought back to Council at a future date.
- b) Alternative 2. Do nothing and the current Protection of Persons and Property and Parks Bylaw will remain as is. Administration will discontinue any further work on this matter.

STRATEGIC CONNECTIONS

- a) City of St. Albert Strategic Plan (Policy C-CG-02)

Pillars of Sustainability

SOCIAL - We are a friendly and inclusive community of passionate equals, where everyone feels a sense of belonging. We believe that community starts with the person next door.

Governance Strategy

Council is committed to ensuring that the City of St. Albert is a responsive, accountable government that delivers value to the community.

- b) Long Term Plans (e.g. MDP, Social Master Plan, Cultural Master Plan, etc.)

- ☐ Policing Service Long Term Department Plan

☐ Social Master Plan

c) Corporate Objectives (See Corporate Business Plan)

- ☐ Deliver programs and services that meet or exceed our standards
- ☐ Ensure our customers are very satisfied

d) Council Policies, Bylaws or Federal/Provincial statutes

- ☐ Protection of Persons and Property Bylaw 11/63
- ☐ Parks Bylaw 19/65
- ☐ Criminal Code of Canada
- ☐ Fire Services Bylaw 21/2002
- ☐ Water Bylaw 5/2001
- ☐ Council Policy C-CC-1, City Council and Administrative Policy Development

e) Other Plans or Initiatives (Business Plans, Implementation Strategies, etc.)

- ☐ Policing Services 3-year Action Plan

Report Date: June 12, 2017

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Committee/Department: Policing Services

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City Manager: Kevin Scoble