



***RPT 20-198***

**TITLE:** Third Reading of Bylaw No. 8 of 2020 – The Alley Access Bylaw

**DATE:** June 18, 2020

**TO:** City Council

**PUBLIC:** X

**INCAMERA:**

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**RECOMMENDATION:**

1. That Bylaw No. 8 of 2020, known as “The Alley Access Bylaw”, be given third and final reading, with the following amendments
  - a. That Section 2 (a) be amended as follows:
    - (a) “Abutting the subject alley” means and refers to a property within the City of Prince Albert that shares a common boundary with an alley. A property shall only be considered as abutting the alley(s) it shares a common boundary with;
  - b. That the term “Adjacent to the subject alley” be replaced with “Abutting the subject alley” throughout the Bylaw; and,
  - c. That Section 3 (c) be amended as follows:
    - (c) Accessing their residence which is abutting the subject alley;
2. That Bylaw No. 8 of 2020 be revisited by City Council within six (6) months of the Bylaw being given third reading.

**TOPIC & PURPOSE:**

To give third and final reading to Bylaw No. 8 of 2020, which will restrict access to alleys throughout the City between the hours of 12:00 a.m. and 6:00 a.m.

**BACKGROUND:**

As per Council Resolution 0299 of the November 18th, 2019 Executive Committee Meeting:

- “1. *That Administration move forward with drafting amendments to The City's Recreation Facilities and Parks Bylaw which would institute a curfew on Walkways throughout the City;*
2. *That a Public Consultation process regarding alley curfew implications be undertaken; and,*
3. *That Administration continue to engage in a dialogue with the Province in order to formalize a process to institute a curfew on alleys”.*

As per Council 0166 of the April 20th, 2020 Council Meeting:

*“That Bylaw No. 8 of 2020 be read a second time”.*

**Function of Alleys and Streets**

Traditionally alleys have filled the purpose of providing secondary access to the rear of properties, while also hiding necessary services from main thoroughfares (i.e. garages, garbage cans, utilities, etc.). The secondary access can be used by residents as well as emergency services, and helps to reduce the amount of automobile traffic using adjacent streets.

In comparison, streets are used for the movement of automobiles as well as pedestrians using alternative forms of transit (i.e. walking, biking, etc.). Streets also function as a community gathering place, where neighbours can casually interact with each other. By moving a portion of the automobile traffic from the street to the alley, streets are made safer for pedestrians who do not have to compete with as many automobiles.

In some areas where alleys are not heavily trafficked and the adjacent streets do not have a sidewalk, alleys may function as a safer route for pedestrians. In addition, due to the location of alleys they may also act as a shortcut. For these reasons, it is recommended that access to alleys only be restricted from 12:00 a.m. to 6:00 a.m., which will allow these alleys to be used by anyone for the majority of the day.

**PROPOSED APPROACH AND RATIONALE:**

Under the Bylaw attached to this report, access to alleys throughout the City would be restricted from 12:00 a.m. until 6:00 a.m. certain individuals would be exempt from this restriction, including:

1. Those residents whose residence abuts a subject alley;
2. Anyone accessing their residence;
3. Anyone accompanied by someone whose residence abuts the alley;
4. Utility agencies conducting work in the alley;
5. Anyone accessing their place of work, or performing work for a volunteer organization;
6. Anyone accessing a business, event or parking lot abutting the alley; or,
7. Anyone attending to an emergency.

The Rotary Trail would be exempt from the proposed Bylaw, and any person in contravention of the Bylaw may be subject to a minimum fine of \$500.00 fine, and a maximum fine of \$5,000.

Since City Council gave first and second reading to Bylaw No. 8 of 2020, it has been amended so that only those properties that are abutting an alley may use that subject alley during the period of restricted access. Previously, an individual could use any alley within 500 metres of their work or residence between 12:00 a.m. and 6:00 a.m.

### **CONSULTATIONS:**

Since first and second reading of Bylaw No. 8 of 2020, the City has engaged in discussions with the Prince Albert Grand Council (PAGC) regarding the proposed Bylaw. During discussions, it was noted that the City of Prince Albert will work proactively with the PAGC to help resolve any concerns if they arise.

#### Public Consultation

The attached Letter to Affected Residents was sent to 5500 residences throughout the City, as well as 120 apartment units. The survey was opened to the public on February 13th, 2020 and was closed on March 18th, 2020. Over this time 820 responses were received. An overview of the responses is included below.

#### *Question 1 – How do you use your back alley?*

The primary reasons people use their rear alley is for either “Garbage/Recycling Disposal” (68%) or “Vehicle Parking” (61%), with “Pedestrian Access” being a distant third (27%). Additional responses included:

1. I don't use the alley (4%)
2. Site maintenance (i.e. grass cutting, tree pruning, etc.) (3%)
3. Commercial uses (i.e. staff entrance, deliveries, customer access, etc.) (2%)
4. Loading and unloading items (2%)

*Question 2 – Would a ban between 12:00 a.m. and 6:00 a.m. affect how you use your back alley?*

The majority of respondents to the survey indicated that the ban would not negatively affect their use of the alley (73%). Of those respondents who noted that the Bylaw had the potential to affect their use of the alley, the primary reason was the potential to limit their access to their garage/parking area. Other responses for potential impacts were:

- Restricting the ability to walk through alleys;
- Restricting business use;
- Garbage disposal at night; and,
- Guest access.

*Question 3 – Do you think there should be exemptions to the curfew?*

The response to this question was fairly even with 52% of respondents indicating there should be exemptions and 48% of respondents indicating there should not be exemptions. Common exemptions included:

- Residents adjacent to the alley;
- Emergency access;
- Business owners;
- Visitors; and,
- Residents within a certain area around the alley.

### *Safety*

Respondents to the survey indicated they did not feel safe using the alley. Many respondents noted instances of theft and breaking and entering associated with the alley, people using their property to walk from the alley to the street, and people rummaging through their garbage and recycling bins. Many of these respondents noted they believed this Bylaw would improve their feeling of safety using the alley.

If the Bylaw is adopted by City Council, it is advised that a public information campaign also be launched to encourage residents to lock their vehicles, outbuildings and gates to help reduce crimes of opportunity.

### *Opposition to the Bylaw*

Some respondents to the survey also indicated they did not believe that the Bylaw would make a difference, as those that may be fined under the Bylaw will not see it as a major deterrence. Some respondents also indicated that they did not believe the Bylaw could be adequately enforced given current resources.

Outside of the above reasons and general opposition to the Bylaw, other points of opposition included:

- The Bylaw will restrict their freedom of movement;
- Respondents did not want to be stopped by police; and,
- The potential for carding practices to stem from the Bylaw.

### Legal Implications

The City Solicitor has advised that back alleys are covered by the same legislation as applies to city streets, pursuant to Section 2(1)(gg) of The Cities Act, and involves a provincial Crown interest. Communications between Administration and the provincial Crown have therefore occurred and would continue with the involvement of the City Solicitor to ensure that the municipal enforcement of a curfew for back alleys in the City of Prince Albert would not be affected by any intended or existing concurrent provincial legislation.

### Chief of Police Consultation

In speaking with the Prince Albert Police Service, it was noted that current regulations around the use of back alleys show they are designed primarily for vehicular traffic. The city's Traffic Bylaw No. 1 of 2013 defines a lane as a street or alley intended mainly to "give access to the rear of a property." Alleyways are not typically covered with lighting and the most reasonable and lawful use of a back lane is only to access a connecting property.

The police service contends that alleys are not designed for pedestrian or foot traffic and that the safest place for a pedestrian to walk is to the front of residential homes, commercial businesses, and parks and recreation areas, locations that are well-lit and include a pathway or sidewalk specifically for foot traffic. These areas are also made safer by the addition of more traffic controls and increased signage.

### *Enforcement*

The police members by legislation will support all lawful bylaws as per The Police Act, 1990, section 36(2)(ii):

*"36(2) Unless otherwise indicated in his or her appointment, a member has the power and the responsibility to:*

*(a) perform all duties that are assigned to constables or peace officers in relation to:*

*(i) the preservation of peace;*

- (ii) *the prevention of crime and offences against the laws in force in the municipality; and*
- (iii) *the apprehension of criminals, offenders and others who may lawfully be taken into custody”.*

The enforcement and response to a new bylaw would be managed using existing police resources. Any response to a complaint or request for general patrols of the back lanes would occur based on priorities, calls for service, and current crime trends.

### *Accountability*

Prince Albert Police Service members are accountable for their actions and the lawful application of their authorities, including authorities around arrest and detention, search and seizure. Enforcement of illegal activity across the entire community, including rear lanes, is already a priority for the police service.

The expectation is that we will continue to provide a professional response given current resources, call volumes, and severity of calls for service.

### **COMMUNICATION AND/OR ANNOUNCEMENT PLAN:**

If the proposed Bylaw Amendment is adopted, the Department of Planning and Development Services will work with the Communication Manager to ensure the public is aware of the restrictions on alleys throughout the City

### **OTHER CONSIDERATIONS/IMPLICATIONS:**

There are no other options to the recommendation, nor are there any policy, financial or privacy implications to consider with this report.

### **STRATEGIC PLAN:**

Throughout the discussion of this matter, Administration has worked interdepartmentally to ensure all aspects of the issue are considered and all potential solutions are identified.

### **OFFICIAL COMMUNITY PLAN:**

Section 1.6.3 of the City Of Prince Albert's Official Community Plan, "Transportation and Infrastructure", states that, "Neighborhood safety depends on open yards and walkways, well lit and watched spaces".

**PUBLIC NOTICE:**

Public Notice pursuant to the Public Notice Bylaw No. 24 of 2015 is not required.

**ATTACHMENTS:**

1. Bylaw No. 8 of 2020
2. 2019 Alley Inventory Map
3. Letter for Affected Residents

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