



RPT 20-421

TITLE: Updates to Bylaws - Prince Albert Bylaw Enforcement Unit

DATE: **October 6, 2020**

TO: City Council

PUBLIC: X

INCAMERA:

RECOMMENDATION:

1. That the following Bylaws be introduced and given three (3) readings:
 - a) Bylaw No. 27 of 2020, respecting the authority to address property amenities and the abatement of nuisances within the City of Prince Albert;
 - b) Bylaw No. 28 of 2020, to prohibit the distribution of plastic checkout bags in order to minimize the volume of plastic waste entering our landfill, waste collection systems, and littering in our community;
 - c) Bylaw No. 29 of 2020, respecting the licensing, control and regulations of taxi license holders, drivers and brokers in the City of Prince Albert;
 - d) Bylaw No. 30 of 2020, to regulate, control and prohibit the operation of motorized vehicles on public property within the City of Prince Albert;
 - e) Bylaw No. 31 of 2020, to regulate the conduct and activities related to smoking by people in public places;
 - f) Bylaw No. 32 of 2020, to classify, license and regulate business activity within the City of Prince Albert;
 - g) Bylaw No. 33 of 2020, providing for the use, maintenance and operation of recreation facilities and public arks in the City of Prince Albert;
 - h) Bylaw No. 34 of 2020, to provide for proper waste collection and disposal within the City and for providing Waste Disposal Grounds;

- i) Bylaw No. 35 of 2020, to regulate vehicular and pedestrian traffic, the use of public streets, and to preserve order thereon within the City of Prince Albert;
 - j) Bylaw No. 36 of 2020, to regulate, control and prohibit Public Spitting, Urination and Defecation; and,
2. That Michael Nelson, of Prince Albert SK, be appointed as a Bylaw Enforcement Officer for the City of Prince Albert pursuant to Section 337 of *The Cities Act*.

TOPIC & PURPOSE:

1. To recommend amendments to pertinent City Bylaws necessary to the transition of bylaw enforcement from the Prince Albert Police Service to the City of Prince Albert, giving the Director of Planning and Development Services and City of Prince Albert appointed Bylaw Enforcement Officers the ability to enforce municipal bylaws.
2. To appoint Michael Nelson, a current City employee, as interim Bylaw Enforcement Officer during the hiring process for permanent employees.

BACKGROUND:

In July 2020, Prince Albert City Council made the decision for Bylaw Enforcement and Bylaw Compliance revert from the City Police back to the City or Prince Albert under the Supervision of the Director of Planning and Development Services.

In order to move forward, there are a number of tasks that first need to be completed:

1. Approximately 35 bylaws will be enforced by this new Bylaw Division. They have all needed to be reviewed in order to have identified amendments necessary to the transition of enforcement to the responsibility of the Department of Planning and Development Services and City-appointed Bylaw Enforcement Officers.
2. A new tracking system is being developed using GIS (Geographic Information Systems) Software.
3. Hiring and managing a term employee to assist through transition and deal with ongoing files.
4. Develop job descriptions and initiate the recruitment process.
5. Appoint an interim employee as Bylaw Enforcement Officer to enforce Bylaws until recruitment process is complete.

PROPOSED APPROACH AND RATIONALE:

All of the above tasks are ongoing, but items 1 and 5 require City Council approval. A list of all of the City Bylaws that will be enforced by the Bylaw Enforcement Division are attached to this report for your reference. A number of these Bylaws include specific language that only enables the Prince Albert Police Service or a “Bylaw Manger” to enforce them. They have now all been reviewed, amendments have been identified, and new Bylaws have been written for City Council’s consideration. This can be considered phase 1 of a 3 phased approach to give the Bylaw Division the tools that it needs to enforce City Bylaws in a timely, efficient and cost effective manner. Phase 2 will include a more thorough review of timelines and mechanisms used to enforce each Bylaw, and phase 3 will include making further amendments. Phase 1 is needing to move ahead immediately, while phases 2 and 3 will be resolved over the course of the next several months.

A summary of the phase 1 amendments are as follows:

Of the thirty-five (35) City bylaws that will be enforced by City-appointed bylaw enforcement officers, only ten (10) were identified as requiring immediate amendments to support and implement the transition of enforcement responsibility. These were as follows:

Business Licensing Bylaw – a redefinition of “designated officer” was optimal, and a Phase 2 recommendation has been made to incorporate a remedy provision permitting a non-compliant business to be closed down pending compliance.

Prohibition of Motor Vehicles in Public Spaces Bylaw - required amendment to the undefined term “police officer” to ensure appropriate apportionment of responsibilities between police officers and bylaw enforcement officers.

Parks Bylaw – required amendment to ensure concurrent authority of police and City bylaw enforcement officers to enforce most provisions of this bylaw. However, insofar as this Bylaw also provides authorities to stop moving vehicles, these authorities have been left solely to police.

Public Spitting, Urination and Defecation – required amendment to define and confirm the concurrent authority of police and bylaw enforcement officers to enforce the bylaw.

Plastic Checkout bags Bylaw – required differentiated definitions for “Bylaw Enforcement Officer” and “Police Officer”, as well as other minor amendments supporting the transition.

Smoking in Public Places Bylaw – required amendment to define and confirm the concurrent authority of police and bylaw enforcement officers to enforce most provisions under the bylaw. It was necessary to confirm that only Police Officers have authority to evict or otherwise deny admission where detention of persons are required, to conform with Criminal Code provisions.

Property Amenities Bylaw – required removal of references to repealed bylaw and confirmation of City bylaw enforcement officer authority. Further amendments in a Phase 2 of

the Bylaw transition project are being finalized that will extend remedies available for repeated violations and other enforcement efficiencies.

Taxi Bylaw – Administration has identified amendments required to redefine City personnel rather than police personnel to handle certain enforcement functions. We have met with the Prince Albert Police Service and have identified a practical go-forward enforcement and licensing model that continues to involve certain resources and motor vehicle stopping authorities uniquely available to the police service, but that transitions the primary but concurrent responsibility to the municipal corporation. Amendments reflect the transition to this model.

Traffic Bylaw - Some of these amendments were substantial. Redefinitions of bylaw enforcement officers were required to permit them to be City-appointed. The bylaw required amendment to ensure concurrent authority of police and City bylaw enforcement officers (and continuation of authority of other City personnel, (eg. parking enforcement personnel within Financial Services) to enforce most provisions of this bylaw. However, insofar as this Bylaw also provides authorities to stop moving vehicles, these authorities have been left solely to police. Some Phase 2 enforcement efficiencies with respect to ticketing Information's and their process service have been incorporated on advice from the PAPS former Bylaw Enforcement Manager.

Waste Collection and Disposal Bylaw - In that there is an aspect of enforcement that may require stopping moving vehicles or arrest and detention powers, both police officers and bylaw enforcement officers will have concurrent responsibilities for different aspect of enforcement under this bylaw. A redefinition of bylaw enforcement officers was required to have them function as City-appointed officers. Also some Phase 2 enforcement efficiencies have been already incorporated into this amended to reflect that contraventions regarding waste being improperly stored, accumulated or disposed of on a property owner's land would be governed by the process of enforcement set out in section 328-330 of the Cities Act.

Section 337 of the Cities act enables City Council to appoint Bylaw Enforcement Officers to uphold City Bylaws:

- “337** (1) *A council may appoint any bylaw enforcement officers that the council considers necessary and define their duties and fix their remuneration.*
- (2) *Bylaw enforcement officers appointed pursuant to the authority of subsection (1) may represent the city before a justice of the peace or provincial court judge in the prosecution of anyone who is charged with a contravention of a bylaw.”*

Therefore, included as a recommendation in this report, current City Employee Michael Nelson will be appointed as a Bylaw Enforcement Officer during the interim while the recruitment process for permanent officers takes place. Michael is familiar with the roles and

responsibilities of a Bylaw Enforcement Officer and will provide the assistance needed to move forward on a number of outstanding items.

CONSULTATIONS:

City Council and the Police Commission were both directly responsible for the decision to transition Bylaw from the Police Service to the City, while the City Solicitor was directly involved in the thorough review of the Bylaws and the identification of required amendments.

COMMUNICATION AND/OR ANNOUNCEMENT PLAN:

1. The interim employee will be notified of Council's decision respecting the temporary appointment.
2. The City Clerk will notify necessary parties of the Bylaw approvals as required by legislation

FINANCIAL IMPLICATIONS:

\$94,500 and \$355,000 have been removed from the 2020 and 2021 (and onward) police budgets respectively to accommodate City funding for this change.

Through the 882 Union CBA, Michael Nelson will earn 15% "Additional Duty Pay" for the duration of his temporary appointment.

OTHER CONSIDERATIONS/IMPLICATIONS:

There are no Policy Implications, Privacy Implications, or Options to the recommendation

STRATEGIC PLAN:

A Strategic Goal of the City of Prince Albert is to provide an active and caring community as we strive to provide high quality services to meet the dynamic needs and expectations of our citizens.

OFFICIAL COMMUNITY PLAN:

Section 12 of the Official Community Plan identifies a number of goals and policies which are supported by the establishment of a Municipal Bylaw Enforcement Service

PUBLIC NOTICE:

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

ATTACHMENTS:

1. Prosecution Bylaw Listing
2. Property Amenities Bylaw No. 27 of 2020.
3. Plastic Checkout Bag Bylaw No. 28 of 2020.
4. Taxi Bylaw No. 29 of 2020.
5. Prohibition of Motor Vehicles in Public Places Bylaw No. 30 of 2020.
6. Smoking in Public Places Bylaw No. 31 of 2020.
7. Business License Bylaw No. 32 of 2020.
8. Recreation Facilities and Parks Bylaw No. 33 of 2020.
9. Waste Collection and Disposal Bylaw No. 34 of 2020.
10. Traffic Bylaw No. 35 of 2020.
11. Public Spitting, Urination and Defecation Prohibition Bylaw No. 36 of 2020.

Written by: Director of Planning and Development Services

Approved by: City Manager, City Solicitor