

City Charter Regulation: Summary and Implementation Status

Empowering Environmental Stewardship					
Smarter Community Planning					
Supporting Community Wellbeing					
Improving Administrative Efficiency					
Charter Authority	Location in regulation	Process Required	Summary	Relevant Business Unit / Department	Status
Environment as a matter to pass bylaws	s. 4(2)(a)	Bylaw with public hearing required to utilize this authority.	Issue The City should be able to pass bylaws that protect areas of environmental significance within urban boundaries, and for contaminated/derelict sites, climate change, environmental conservation and stewardship, biodiversity and habitat, energy conservation/ efficiency and waste management. Regulatory Change Allow The City of Calgary to pass bylaws around environmental protection and land use.	Planning & Development, Calgary Parks, ESM	Not Implemented
Bylaw Fines	s. 4(2)(b)	Bylaw with public hearing required to utilize this authority.	Issue In some cases, the maximum penalty set out in the Municipal Government Act (MGA) does not represent an adequate deterrent to bylaw infractions. Due to the number and diversity of properties, The City of Calgary requires additional flexibility for serious bylaw offences such as development or drainage issues. Regulatory Change Increase the maximum potential fine for “egregious” bylaw violations up to \$100,000 (current maximum is \$10,000).	Calgary Community Standards, Water, other bylaw owners	Not Implemented

Regulating licensed premises	s. 4(3)	Bylaw with public hearing required to utilize this authority.	Issue Municipalities are in a better position to evaluate the impacts of licensed establishments on their communities and modify regulations to mitigate these impacts in a meaningful way. Potential impacts include safety and traffic issues resulting in uniform closing times in areas with high concentrations of licensed establishments. Regulatory Change The City of Calgary has clear authority to pass bylaws that will vary opening and closing hours, so long as they do not increase hours beyond those set by the Alberta Gaming and Liquor Commission.	Calgary Community Standards	Not Implemented
Offsite levies	s. 4(35.1),(35.2), (35.3), (35.4) s. 5(2.1), (2.2)	Bylaw required for most	Enable The City to identify the types of infrastructure for which an off-site levy may be imposed and establish the method for determining off-site levies. Requires that The City consult with stakeholders in the development of the off-site levy bylaw.	Planning	Underway
Local Improvement Taxes	2. 4(22)	No Bylaw required	Extend the period during which The City may impose a Local Improvement Tax from three years to five years and extend the period during which the improvement must be completed from one year to two years.	Finance	Not Implemented

Bylaws and Municipal Purpose	s. 4(4)	No bylaw required to utilize this authority (see s. 9(2) of Charter)	Issue The MGA currently sets out the general jurisdiction and specific powers by which Council may pass bylaws. The proposal recognizes the broader scope of municipal services provided by The City and enables the authority required to accomplish the goals of the municipality. Regulatory Change Provide City Council with the authority to determine which bylaws are created within the scope of municipal purpose.	Cross-corporate	Not Implemented
Advertising Requirements	2. 4(28)	Bylaw with public hearing	Enables The City to modify the advertising requirements related to instances of Council calling a meeting with the public, advertising public auctions, and notification of public works.	Cross-corporate	Not Implemented

Delegation of Powers	s. 4(5)(a)	Bylaw with public hearing required to utilize this authority.	Issue The MGA is currently prescriptive in terms of how, and to whom Council can delegate; including that the delegation must be made by bylaw and Council can only delegate to a Council Committee, the Chief Administrative Officer or a designated officer. The size and scope of city governance requires additional flexibility in how governance bodies and offices are structured and conducted. Regulatory Change Provide City Council with the authority to delegate powers, duties or functions unless an enactment or bylaw provides otherwise. The purpose of the delegation could be to provide advice, collect information, provide oversight to a specific issue, activity or function, make decisions, or carry out statutory obligations. Bylaw making authority cannot be delegated.	Cross-corporate	Not Implemented
Tax Cancellation	s. 4(5)(b)	Bylaw with public hearing required to utilize this authority.	Issue At present, City Council must decide on the prior year's tax cancellations. Regulatory Change Council may delegate the prior year's tax cancellations to Administration, within certain parameters.	Assessment	Underway

Financial Administration	ss. 4(6),(7),(8),(9),(10),(12)	No bylaw required to utilize this authority. Resolution required to change the financial year.	Issue The City of Calgary has sophisticated and well-defined financial processes that go beyond the basic requirements set out in the MGA. <u>Regulatory Change</u> Provide Council with the ability to establish their own financial administration practices for budgets, municipal accounts, financial statements, validity of borrowing, and setting the financial year. The City could establish its own budget process and requirements, including the contents of the budget and how it is adopted.	Finance	Not Implemented
Clean Energy loans	s. 4(11)	Bylaw with public hearing required to utilize this authority.	Issue This new source of financing for property owners would assist them in making energy efficient and renewable energy investments in their homes. Moreover, municipalities could provide an attractive borrowing rate and provide funding to property owners who might not be able to obtain funding otherwise. <u>Regulatory Change</u> Enable the City to provide loans to homeowners to fund energy efficiency or renewable energy upgrades in their homes.	ESM, Finance	Not Implemented

Affordable housing loans	s. 4(11)	Bylaw with public hearing required to utilize this authority.	Issue Despite City policies supporting complete communities, The City of Calgary has few tools available to effectively deliver and maintain affordable housing. Regulatory Change Through the Charter, The City can offer loans to individuals and to developers specifically for affordable housing projects. The ultimate objective is to spur the development of affordable housing by removing a cost significant barrier.	Calgary Housing	Not Implemented
Inclusionary Housing	s. 4(31), (35.5), (36.1), (37.5), (37.6), (38.1)	Bylaw with public hearing	Enable The City to establish an inclusionary housing program to meet affordable housing needs.	Calgary Housing	Not Implemented
Improvements use for manufacturing and processing operations	City Charter s.4(13)	No bylaw required to utilize this authority.	Issue Improvements typically only apply to buildings currently under construction with machinery and equipment components. Regulatory Change Clarify that a property is assessable if improvements are not primarily used for manufacturing or processing operations. The change clarifies existing legislation to ensure accurate interpretation	Assessment	Not Implemented

Define Derelict and Contaminated Property	s.4(16)(a),(b)	Bylaw with public hearing required to utilize this authority.	Issue Derelict and contaminated properties in dense urban centres can hinder the potential for higher density development in a city. The City has no authority to require owners to remediate and develop contaminated sites and contamination is often used as a factor to reduce assessments even though the property often adversely affects nearby properties. This increases the tax burden on the remaining taxpayers. Regulatory Change Allow City of Calgary to define assessment subclasses for derelict and contaminated property.	Planning & Development	Not Implemented
Catch-all assessment class	s.4(16)(c),(d), (18), (20)	No bylaw required to utilize this authority.	Issue Lack of clarity regarding the assessment class with respect to properties under development. Regulatory Change Provides amended definitions for “residential” and “non-residential” assessment classes for The City. Clarifies that the non-residential assessment class is the catch-all assessment class.	Assessment	Implemented

Sup'tary assessments on land	s.4(17)	Bylaw with public hearing required to utilize this authority.	Issue The MGA only permits supplementary assessments in relation to improvements, not when the property changes from one assessment class to another. Farm land is assessed significantly less than market value. The City supports this policy for agricultural use, but seeks to ensure tax equity once that use changes. Regulatory Change The City may prepare supplementary assessments on property that has changed from farm land to another use.	Assessment	Not Implemented
Allow continuous bylaws for supplementary assessment and tax, sub-class and business assessment and tax	s.4(19),(22)	No bylaw required to utilize this authority.	Issue It is administratively inefficient for The City of Calgary to create these bylaws annually, as the content of these bylaws rarely changes. New bylaws, or amendments to the bylaws, would still have to be passed by council. Regulatory Change Council may choose to make the following bylaws continuous: 1. Supplementary assessment and tax. 2. Sub-class and business assessment and tax. 3. Farmland supplementary assessment.	Assessment	Not Implemented

Local Assessment Review Boards (LARBs) to award costs (delay business tax complaints being heard by Composite Assessment Review Boards (CARBs))	s.4(23)	No bylaw required to utilize this authority.	Issue The City of Calgary is phasing out the business tax in one year, while at the same time, the province has elevated business tax complaints to CARBs. This would require considerable administrative resources to make a switch simply for the last remaining year of the business tax. Regulatory Change Delay the shift for business tax complaints to CARBs (leaving them at LARBs) for The City of Calgary.	ARB	Implemented
Evidence and Property Inspections	s.4(14),(25)	No bylaw required to utilize this authority.	Issue Clarity is needed that the assessor may inspect properties following a complaint or inquiry, and present that evidence at the ARB. Regulatory Change Improve assessment administration by clarifying that the assessor may inspect properties following a complaint or inquiry, and present evidence at ARB hearings that arises from inspection of the property completed for assessment purposes.	Assessment	Implemented

Increasing and Decreasing Assessments	s.4(26)	No bylaw required to utilize this authority.	Issue Clarity is needed regarding the ability of an assessment review board to increase or decrease an assessed value under complaint. Regulatory Change Clarifies that an assessment review board can increase or decrease an assessment based on evidence provided by the assessed person and the assessing body.	ARB	Implemented
Assessment complaint period for non-residential and residential properties with more than three dwelling units	s.4(27)	Bylaw with public hearing required to utilize this authority.	Issue The 2010 doubling of the complaint period for property tax assessments (from 30 to 60 days) has greatly affected The City's ability to resource all the annual assessment requirements. Reducing the complaint period for non-residential and multi-residential properties will streamline processes and lead to gains in efficiencies for The City and complainants, and more accurate assessments for all. Regulatory Change Allows The City to pass a bylaw reducing the amount of time <u>only</u> for non-residential property owners and owners of multi-unit residential to file a complaint (from 60 to 30 days); however, if The City chose to do so, there must be a consultation period of no less than 30 days prior to the complaint period. Abbreviated complaint period cannot be applied to individual home owners.	Assessment	Not Implemented

Affidavit Evidence	s.4(28)	No bylaw required to utilize this authority.	Issue Affidavit evidence would decrease the time the officer is removed from his active enforcement duties. This evidence would be available in advance of trial and would narrow the scope of issues before the Court. Regulatory Change Permit affidavit evidence for bylaw offences.	Calgary Community Standards	Not Implemented
Electronic notices	s.4(29)	Bylaw with public hearing required to utilize this authority.	Issue It is administratively inefficient for The City of Calgary to send and receive documents by traditional mail. The City sends approximately one million notices per year. The option to receive notices electronically gives citizens the flexibility to choose their desired method of communication. Regulatory Change Allow The City to send documents, disclose evidence and receive evidence and information including assessment and tax notices electronically. Citizens will need to opt-in to receive electronic notices. Citizens that do not opt-in will continue to receive notices by traditional methods.	Assessment, ARB	Implemented

Climate Change Adaptation and Mitigation Plans	s. 4(30)	Compulsory requirement of charter. Plans must be adopted by council resolution.	Issue Climate change resilience and adaptation planning can help The City of Calgary mitigate their risk to a changing climate by incorporating climate change as a key consideration in both short- and long-term planning. Regulatory Change The City of Calgary will be required to develop mitigation and adaptation management plans. The plans must contain elements such as a climate change assessment summary, actions to address potential municipal impacts, a reporting process for greenhouse gas emissions and mitigation actions.	ESM	Underway
Statutory Plans	s. 4(31), (33),	Bylaw with public hearing required to utilize this authority.	Issue Calgary lacks the ability to define additional types of statutory plans and to determine how they fit into the hierarchy of plans. Regulatory Change City councils will have the authority to define additional types of statutory plans and where they fit into the hierarchy of plans. Additional plans will continue to be restricted within the MGA prescribed hierarchy. This will allow formal regulation of a specific type of development that may be tied to many geographic areas in a clear, consistent and concise manner.	Planning & Development, others?	Not Implemented

Include environment in planning and development part of the MGA	s. 4(32)	No bylaw required to utilize this authority.	Issue Extending the purpose of planning and development to encompass the environment will provide The City with appropriate authority to be better partners for the province in environmental stewardship. Regulatory Change Provides The City with explicit authority to consider the environment in its land use planning decisions and allows The City to develop plans and related matters for the purpose of protecting the environment.	Planning & Development, ESM	Not Implemented
Land Use Bylaws	s. 4(35)	Bylaw with public hearing required to utilize this authority.	Issue The City lacks the ability to determine how best to structure their land use bylaws to regulate new development in their growth areas and redevelopment in existing areas. Regulatory Change City councils have the authority to determine the use or uses of land or buildings that are permitted in one or more districts as specified in their land use bylaw. Currently, The City can only specify permitted uses in a single district. This change will allow them to determine permitted uses across districts.	Planning & Development	Not Implemented

Definitions for schools, hospitals and food establishments	City Charter s. 4(35)(b)(2.2)	Bylaw with public hearing required to utilize this authority.	Issue Currently, the <i>Subdivision and Development Regulation</i> does not provide definitions for hospitals or schools, and there is lack of clarity around definition of food establishments. Thus, the current definitions of uses that require a variance from setbacks are not clear and not precise leading to challenges with determining whether a use could be granted a variance. Regulatory Change Identify more concise and precise definitions for schools, hospitals and food establishments. Allows The City to identify more concise and precise definitions for schools, hospitals, and food establishments for the purposes of the <i>Subdivision and Development Regulation</i>.	Planning & Development	Not Implemented
Housing agreements to follow title	City Charter s. 4(36)	No bylaw required to utilize this authority.	Issue The City currently has no mechanism to ensure housing remains affordable. Regulatory Change Voluntary affordable housing agreements can ensure commitments follow title and can be enforced against subsequent title holders for the life of the agreement.	Calgary Housing	Implemented
Environmental Reserve assessment	City Charter s.4(37)	No bylaw required to utilize this authority.	Issue This will provide fiscal certainty for both the municipality and the property owner. Regulatory Change Clarifies that Environmental Reserve (ER) is assessed on a vacant parcel at the time of subdivision.	Assessment	Implemented

Municipal Tribunal	City Charter s.4(39)	Bylaw with public hearing required to utilize this authority.	Issue Currently, all municipal bylaw offences are administered through the provincial court system. This means that minor municipal bylaw offences compete with limited court resources, resulting in justice system inefficiencies and adding to the workload of the already overburdened court system. Regulatory Change The City Charter will permit a municipal tribunal system and allow The City of Calgary to manage transit and parking bylaw offences.	Clerk's	Underway
Community Organizations Property Tax Exemptions Regulations (COPTEr) timelines and exemption requirements	City Charter s.5(2)	Bylaw with public hearing required to utilize this authority.	Issue Significant amounts of time and resources are used to process annual exemption applications. Allowing Council to vary the process will enable them to create an efficient and customer friendly service that suits all parties. Regulatory Change Provides The City of Calgary with the authority to extend the three-year limit specific in section 17(3) to a five-year limit.	Assessment	Not Implemented

Assessment Review Board (ARB) Information Disclosure Timelines	City Charter s.5(3)	No bylaw required to utilize this authority.	Issue The issues behind a complaint are often complex and they are brought forward to the City in the complainant's disclosure document. A more even distribution of the disclosure timelines assists The City in preparing their disclosure and allows for a fair hearing for both parties. Regulatory Change The change does not alter the minimum number of days required for disclosure of evidence for both the complainant and the respondent. What this change does, however, is ensure that any additional time in excess of those minimum required days is split evenly between the complainant and the respondent.	ARB	Implemented
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Subdivision Process	City Charter s.5(4)(a),(b)	Bylaw with public hearing required to utilize this authority.	Issue A municipality is in the best position to determine what factors it needs to examine to make a sound decision on a subdivision application. The current list in the regulation is applicable for both rural and urban situations; The City of Calgary would like the ability to amend this list to reflect high density urban situations. We do not know today what considerations may be relevant in deciding as new types of complex subdivision issues emerge (e.g. Strata subdivisions). Regulatory Change Existing subdivision application requirements would continue to apply as a baseline. The City would, in their land use bylaw, be enabled to vary or add to subdivision application requirements set out in the <i>Subdivision and Development Regulation</i>, as well as require the subdivision authority to consider any other matter, when making a decision, that is provided for in the City's land use bylaw.	Planning & Development	Not Implemented
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Facility Setbacks	City Charter s.5(4)(c),(d)	Bylaw with public hearing required to utilize this authority.	Issue The City of Calgary is seeking authority and the ability to facilitate responsible development by determining appropriate uses within setbacks from landfills, waste storage sites and wastewater treatment plants. <u>Regulatory Change</u> Enable The City to determine appropriate uses within setbacks from landfills, waste storage sites, and wastewater treatment plants without Ministerial approval. The City would be required to identify appropriate uses by bylaw. Further, The City will assume liability for any changes they make using this authority. Allows The City to better address public safety issues associated with landfills, waste storage and waste water treatment plants.	Planning & Development, ESM, WRS, Water	Not Implemented
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Variations to the Traffic Safety Act	City Charter s.6, s.7(3)	Bylaw with public hearing required to use authorities with respect to cycling, speed limits and signage, and angle parking.	Issue This approach would allow The City of Calgary to customize their operational rules to fit the local context, encourage more innovative pilot-based solutions, create a mechanism to address future needs as they arise (versus dealing with issues on an ad hoc basis) and facilitate responsiveness to emerging trends. The intent is to allow The City of Calgary to adopt and vary operational rules and regulations to enhance mobility, particularly where there is little adverse impact to users of the system. Regulatory Change Enable tailored local operating rules and regulations through variances to the <i>Traffic Safety Act</i> . Provide The City with the authority to vary the following components only, as they apply exclusively within City boundaries: • Back-in angle parking • Variable speed limit signage • Cycling infrastructure and operational issues • Default maximum speed limits • Yielding to buses	Transportation	Partially Implemented (Cycling; back-in parking). In exploratory phase (speed limits).
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Building Code of Energy Excellence	City Charter s.7(2), s.8(2)	Bylaw with public hearing required to utilize this authority.	<u>Issue</u> With the opportunity to regulate requirements where existing building codes are silent, The City can encourage the use of innovative construction technologies and developments and implement a variety of mechanisms to encourage greater efficiency in new constructions and major renovations. <u>Regulatory Change</u> Enable The City to establish requirements in excess of existing building code standards to meet environmental and energy conservation objectives, provided those requirements do not compromise safety codes. This authority only covers aspects that are not already regulated by existing codes.	ESM, Calgary Building Services	Not Implemented
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Online school support declarations	City Charter s.7(3)	Bylaw with public hearing required to utilize this authority.	Issue Mailing declaration forms are expensive and administratively burdensome while adding no value. Enabling The City of Calgary to move to digital communications will also help modernize the process. <u>Regulatory Change</u> The City can use electronic means (emails or web portal) for delivering and receiving school support declarations. Citizens will be required to opt-in to electronic communications for when properties change hands and school support declarations are required. In the absence of opt-in consent, citizens will continue to receive and send paper copies.	Tax	Not Implemented
Weed Control Authority	City Charter s.7(4),	No bylaw required to utilize this authority.	Issue Removing the requirement for ministerial approval will increase process efficiency, allowing a more timely response by local authorities to weed control issues. All municipal bylaws are passed in public, providing opportunities for public engagement prior to implementation. All existing appeal mechanisms under the <i>Weed Control Act</i> would be applicable to any orders issued for weed control between the property line and highway midpoint. <u>Regulatory Change</u> Allows The City to undertake weed control activities (as per section 26(3) of the <i>Weed Control Act</i>) without the requirement of Ministerial approval.	Calgary Parks, Calgary Community Standards	Implemented

Weed Designation Authority	City Charter s.8(4)	No bylaw required to utilize this authority.	Issue Removing the requirement for ministerial approval of changes to weed designation will allow a more timely response by local authorities to weed control issues. All existing appeal mechanisms under the <i>Weed Control Act</i> would be applicable to any weed designated either by the regulation or a bylaw. The City has an established appeal process for <i>Weed Control Act</i> appeals that complies with the Act and regulations. The existing s.9 provision prevents situations where a weed can have a lesser designation within a municipality than it does provincially. Regulatory Change Removes the application of section 9(4) of the <i>Weed Control Regulation</i> to The City. The City will no longer require Ministerial approval to elevate weeds from noxious to prohibited noxious status, or to add weeds as either prohibited noxious or noxious.	Calgary Parks	Not Implemented
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