

COMMUNITY STANDARDS BYLAW REVIEW

EXECUTIVE SUMMARY

The Community Standards Bylaw (CSB) 5M2004 regulates neighbourhood nuisances, safety and liveability issues and is used to promote and strengthen community standards through education, voluntary compliance and enforcement. The bylaw addresses community concerns such as noise, fire pits, untidy properties, long weeds and grass, graffiti and nuisances including unwanted flyers. Through the development of Action Plan 2015-2018, a need was identified to conduct a review of the CSB to ensure that it continues to meet the needs of citizens. The purpose of this review is to promote and strengthen community standards, supporting the Council Priority of “a city of inspiring neighbourhoods”. Over the past year, Administration has conducted a comprehensive review of the CSB to understand citizen perceptions and concerns related to the bylaw and respond to emerging issues in order to continue meeting community expectations. The review included a representative telephone survey, analysis of citizen service requests and complaints, technical and legal research, a scan of regulations in other jurisdictions, and consultation with citizens, City of Calgary business units and other key stakeholders.

Research and engagement with citizens showed that for the most part, the provisions in the CSB continue to meet their needs; however, some areas were identified for improvement. Based on the findings of the CSB Review, Administration is recommending amendments to address citizen concerns related to outdoor concert bass sound levels, wood-burning fire pits, upkeep of properties and delivery of unwanted items such as flyers to homes with “no junk mail” signs posted. Administration also identified housekeeping amendments that will make the bylaw easier to understand and use. The CSB Review also identified that approximately one-quarter of Calgarians surveyed are not familiar with the major provisions of the bylaw. Administration will continue to work collaboratively on public awareness and education about the bylaw, to maintain a high level of voluntary compliance.

ADMINISTRATION RECOMMENDATION(S)

That the SPC on Community and Protective Services recommends that Council give three readings to the proposed bylaw to amend the Community Standards Bylaw 5M2004 (Attachment 1).

PREVIOUS COUNCIL DIRECTION / POLICY

On 2016 June 20, Council approved CPS2016-0229 to amend the Community Standards Bylaw 5M2004 to include sports ramps as a prohibited use during the night-time to mitigate noise concerns.

On 2014 November 24, Council approved Action Plan 2015-2018 which included N12.3 Conduct a comprehensive review of the Community Standards Bylaw.

On 2014 September 22, Council approved PUD2014-0658 to amend the Community Standards Bylaw 5M2004 to include a C-weighted scale (dBC) for low-frequency air conditioner noise.

BACKGROUND

The *Municipal Government Act* authorizes municipalities to pass bylaws respecting the safety, health and welfare of people and protection of people and property. In 2004, Council approved

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the consolidation of several bylaws which dealt with community based issues into one bylaw – the Community Standards Bylaw. The consolidation of these bylaws allowed citizens to more easily locate information about standards for neighbourhood issues including noise, open burning, yard and property maintenance, graffiti and nuisances.

In the 12 years since the bylaw was enacted, the CSB has been amended a number of times to update definitions and terminology, enhance specific operational provisions and address emerging community issues. Through the development of Action Plan 2015-2018, a need was identified to conduct a review of the CSB to ensure that it continues to meet the needs of citizens. The purpose of this review is to promote and strengthen community standards, supporting the Council Priority of “a city of inspiring neighbourhoods”.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Over the past year, Administration has conducted a comprehensive review of the CSB to understand citizen perceptions and concerns related to the bylaw and respond to emerging issues in order to continue meeting community expectations. The review included a representative telephone survey, analysis of citizen service requests and complaints, technical and legal research, a scan of regulations in other major Canadian cities, and consultation with citizens, City of Calgary business units and other key stakeholders.

The representative telephone survey was conducted by Nielsen on behalf of The City of Calgary to examine the perceptions and expectations of citizens regarding several major sections of the CSB: neighbourhood noise; fire pits on residential properties; general upkeep of properties; long grass and weeds; and graffiti. The citizen survey found that for the most part, the provisions in the CSB continue to meet their needs; however, some areas were identified for improvement. The findings are summarized below and are described further in Attachment 2.

- 39 per cent feel neighbourhood noise is a significant issue in the community, mainly due to neighbour’s music (9 per cent) and construction (7 per cent).
- 22 per cent feel fire pits are a significant issue, mainly due to safety concerns (8 per cent) and health concerns related to smoke (6 per cent).
- 45 per cent feel general upkeep of properties is a significant issue, with 11 per cent indicating some properties are poorly maintained.
- 34 per cent feel presence of weeds and the height of grass on private properties is a significant issue, with 13 per cent indicating some yards are poorly maintained.
- 34 per cent feel graffiti is a significant issue, with 6 per cent indicating that graffiti is prevalent in their neighbourhood.

In addition to the representative telephone survey, Calgary Community Standards (CCS) also conducted an online “open link” version on The City’s website to make the survey accessible to all interested Calgarians. Nearly 700 Calgarians participated in this open link version of the survey. While the findings of the open link survey are not considered representative of the general Calgary population, the results showed the same patterns as the representative survey.

The representative and online survey findings also aligned with the analysis of service requests; however, two additional issues were identified through a review of citizen complaints: the impact that outdoor concert bass sound has on residents and nuisance concerns over unwanted items

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delivered to homes where “no flyers” signs or notices have been posted. Further technical and legal research was conducted on these emerging issues and on the concerns identified in the survey, and a scan of regulations in other major Canadian cities was conducted to identify common practices related to community standards.

Based on the findings of the CSB Review, preliminary amendments were identified to address citizen concerns related to outdoor concert bass sound levels, fire pit use, upkeep of properties, weeds and grass, and delivery of unwanted items. As part of the ongoing stakeholder consultation on the bylaw, Calgarians were invited to provide feedback on these proposed amendments through engagement online and at community events over the summer. Approximately 11,000 responses were received, including over 7,000 individual comments about the proposed bylaw changes. The feedback received from respondents further informed the proposed bylaw changes and provided insight into respondents’ perspectives. The respondents’ comments and level of support for the bylaw amendments were generally consistent with the findings of the representative telephone survey. A somewhat higher proportion of feedback supported the proposed bylaw amendments than the proportion of Calgarians who had identified the issues as significant in the representative survey.

CSB Review Key Findings:

Noise:

The CSB Review found that during outdoor concerts some residents are impacted by low frequency bass music, which is not addressed through the existing dBA limits that regulate mid and high-frequency sound levels. Patching Associates Acoustical Engineering Ltd. was contracted to conduct a technical sound study to determine whether a dBC limit could be set for outdoor concert bass levels, in addition to the existing dBA limits. The goal of the study was to reduce nuisance impacts of bass music on residents while continuing to enable an enjoyable experience for those attending outdoor concerts.

Throughout the summer of 2016, CCS officers recorded sound measurements at several outdoor concert venues, including Shaw Millennium Park, Prince’s Island Park, Max Bell Centre and Fort Calgary. The sound study included technical analysis of the sound measurements, analysis of corresponding citizen noise complaints (Attachment 3), a review of international research on the nuisance impacts of low frequency sound levels, and consultation with local music industry stakeholders on sound levels required for an enjoyable outdoor concert experience. The sound study found that a limit of 85 dBC measured at the affected residences would reduce the impact of low frequency (bass) concert sound, particularly from those songs with the highest bass sound levels that cause the greatest impacts on neighbouring communities. Music industry stakeholders also indicated they can take a number of steps to reduce the nuisance impacts of concert sound, such facing the stage and speakers away from homes where possible, reducing low-frequency (bass) sound levels, and continuing to reduce sound volumes at the request of officers. The City and the concert industry will continue to work together during the 2017 summer outdoor concert season to mitigate noise impacts on residential communities.

Citizens’ noise concerns in general are also being addressed through increased fines for noise over the CSB limits (see Schedule “A” in Attachment 1).

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Fire Pits:

The representative survey and analysis of service requests and complaints found that fire pits are not a significant issue for most citizens; however, 22 per cent indicated that fire pits are a significant issue. To address concerns about fire pit safety, Administration is recommending an amendment to require a mesh screen known as a 'spark guard' which reduces embers from wood-burning fires. An increase in fine penalties is also proposed (to \$750 from the current \$500) for unsafe fires and for burning prohibited materials that increase smoke.

Upkeep of Properties

General upkeep of properties is important to Calgarians, with approximately 7,500 service requests about untidy properties; 5,000 about long grass and weeds; and 12,500 about graffiti in 2015. In the representative survey, 45 per cent of respondents said upkeep of properties is a significant issue; 34 per cent said height of grass and presence of weeds are a significant issue; and 34 per cent said graffiti is a significant issue. However, much smaller percentages indicated that in their neighbourhood, properties were poorly maintained (10 per cent); lawns were unkempt (13 per cent) and graffiti is prevalent (6 per cent). Calgary Community Standards responds to complaints about upkeep of properties through an escalating process that starts with educating the owners, issuing a remedial order or letter directing the homeowner to address the infractions, hiring a contractor and billing the homeowner for the cost, and issuing a fine if necessary to address repeat offences. Property owners victimized by graffiti must remove it but can apply for assistance through the Private Property Graffiti Abatement Program.

The CSB Review found that while these provisions are working well, the fines for accumulation of materials have not increased for several years. Administration is proposing that fines be increased for improper storage and accumulation of building materials, offensive materials, harmful fluids, and for long weeds and grass (see Schedule "A" in Attachment 1).

Non-Commercial Flyers:

The CSB currently prohibits the delivery of commercial flyers to homes where a "no flyer" sign or notice is posted at the entrance of a dwelling. Due to citizen concerns about the nuisance effects of unwanted deliveries, Administration is proposing to expand the provision to also prohibit delivery of non-commercial items to dwellings with a "no flyer" sign or notice posted. This will address nuisances related to the cost of disposing or recycling unwanted flyers in municipal waste or recycling facilities and limiting the volume of unwanted or unattended flyers blowing loose and causing public litter; the privacy rights of homeowners to limit the purpose for which members of the public are entitled to enter into their private property; and the rights of parents to control their children's access to potentially disturbing or offensive materials which are received in their homes. The provision would not apply to election advertising material pursuant to federal, provincial or municipal legislation; paid newspaper delivery; community association newsletters; and information produced by government, government agencies and elected officials. Approximately 75 per cent of people providing feedback on the proposed amendments supported this change.

Housekeeping Amendments:

Administration is recommending several housekeeping amendments to update terminology, consolidate definitions at the front of the bylaw, and make the provisions easier to use.

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Stakeholder Engagement, Research and Communication

The CSB Review included a representative telephone survey conducted by Nielsen on behalf of The City of Calgary, analysis of citizen service requests and complaints, technical and legal research, a scan of regulations in other major Canadian cities, and consultation with citizens, City of Calgary business units and other key stakeholders. In addition to the representative telephone survey, CCS also conducted an online “open link” version on The City’s website to make the survey accessible to all interested Calgarians. Approximately 600 respondents participated in this open link version of the survey. As part of the ongoing stakeholder consultation on the bylaw, Calgarians were invited to provide feedback on these proposed amendments through engagement online and at community events over the summer. Approximately 11,000 responses were received, including over 7,000 individual comments about the proposed bylaw changes. The feedback received from respondents further informed the proposed bylaw changes and provided insight into respondents’ perspectives. Citizens were informed about the project through extensive media relations, information provided at community events, social media, meetings with stakeholders, and a community newsletter article.

Strategic Alignment

The proposed amendments to the CSB align with Council’s priorities:

A City of Inspiring Neighbourhoods

- N1 - Keep communities safe by meeting and maintaining standards for crime prevention, fire response and enforcement.
- N11 - Promote public safety through education, prevention and partnerships.
- N12 - Promote and strengthen community standards through facilitated compliance.
- N12.3 - Conduct a comprehensive review of the Community Standards Bylaw.

A Well-Run City

- W5 - Regularly collaborate and engage citizens to encourage participation in City decision-making, and better communicate the reasons for the decisions.
- W7 - Continue to transform the organization to be more citizen-focused in its approach and delivery of service.

Social, Environmental, Economic (External)

The CSB encourages safe, liveable communities; promotes good neighbour relationships; and helps protect citizens and the environment.

Financial Capacity

Current and Future Operating Budget:

The proposed bylaw amendments have no effect on current or future operating budgets. It is anticipated that the proposed increases in fine penalties would result in only a small increase in revenue as fines provide a deterrent and most infractions are resolved through voluntary compliance.

Current and Future Capital Budget:

The proposed bylaw amendments have no effect on current or future capital budgets.

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Risk Assessment

The Community Standards Bylaw Review process mitigated potential project risks through the implementation of a stakeholder consultation process, including a representative telephone survey of citizens, consultation with stakeholders, and a further engagement opportunity in which 11,000 responses provided feedback on the proposed amendments. The Law department has determined that the proposed bylaw amendments comply with the Canadian Charter of Rights and Freedoms and is prepared to defend these amendments should a constitutional challenge arise.

Reason for Recommendation

The Community Standards Bylaw 5M2004 regulates neighbourhood nuisances, safety and liveability issues and is used to promote and strengthen community standards through voluntary compliance and enforcement. Research and engagement with citizens showed that for the most part, the provisions in the CSB continue to meet their needs; however, some areas were identified for improvement. Based on the findings of the CSB Review, Administration is recommending amendments to address citizen concerns related to outdoor concert bass sound levels, wood-burning fire pits, upkeep of properties and delivery of unwanted items. Administration also identified housekeeping amendments that will make the bylaw easier to understand and use.

ATTACHMENT(S)

1. Proposed Text for a Bylaw to Amend the Community Standards Bylaw 5M2004
2. Summary of Nielsen Bylaw Research Findings
3. Analysis of Concert Noise Complaints