



Deep Roots
Greater Heights

District of Maple Ridge

TO: His Worship Mayor Ernie Daykin and Members of Council **DATE:** July 25, 2011
FROM: Chief Administrative Officer **ATTN:** Council Workshop
SUBJECT: Proposed Bylaw Complaint Criteria Policy

EXECUTIVE SUMMARY:

At the May 2, 2011 Council Workshop, Council was briefed on the proposed preparation of a Bylaw Complaint Criteria Policy. The need for a formal policy stems from a proliferation of private property complaints recently received by the District. The current practice provides for any resident and/or business owner or operator to file an unlimited number of complaints regarding a potential violation of a municipal bylaw.

On May 2, 2011 staff informed Council that the current practices needed to be reviewed. Council requested that in undertaking this review the practices of neighbouring municipalities be researched. This would include the municipalities to the east, south and west of Maple Ridge. The practices and or policies of eight (8) neighbouring municipalities were researched and over the past few months reviewed and presented in a report to Council at the June 13, 2011 Workshop. The June 13th report focused on the merits of establishing a geographical limit for complaints as well as placing a limit on the number of complaints an individual could make within a specific period of time.

Following review of the report Council passed the following resolution:

"That staff be directed to prepare a Bylaw Complaint Criteria Policy based on the criteria set out in the staff report dated June 13, 2011 and that work be presented at public open house to be held on June 29, 2011."

An Open House was held on June 29, 2011. At the meeting each attendee was provided with a detailed workbook and asked to provide feedback through completion of the workbook. Workbooks were requested to be returned on or before July 6, 2011. The workbooks were also posted online and made available at the front counter. This report provides a summary of the feedback from the public for Council's review prior to preparation of the Bylaw Complaint Policy

RECOMMENDATION(S):

That staff be directed to prepare a Bylaw Complaint Criteria Policy that would include the following criteria:

- that within an urban area a geographical limit be established at a radius of 100m for filing a complaint

- that within a non-urban area a geographical limit be established at a radius of 400m for filing a complaint
- That a limit of three (3) non-recurring complaints per complainant be allowed per year.

DISCUSSION:

a) Background Context:

On June 13, 2011 Maple Ridge Council received a staff report regarding a proposed Bylaw Complaint Criteria Policy. Currently there is no formal policy and staff relies on past practices to address complaints. The report detailed the conditions required under the current policy for receiving and acting on bylaw complaints. The report was advanced in response to a proliferation of bylaw complaints over the past few months, well beyond the norm. The report provided detailed research from neighbouring municipalities and made recommendations with regard to potential policy criteria. Those recommendations included the establishment of a geographical limit for receiving complaints and limiting the number of complaints an individual could make within a specific period of time. The June 13 report is attached for reference.

Council directed staff to solicit feedback on those recommendations at an Open House. An Open House was held on June 29 and this report presents the public feedback received.

Open House Feedback

The Open House was held on June 29, 2011 at the municipal hall from 5.00pm to 8.00pm. There were eight-four (84) people who attended and signed in.

Feedback on the Options

Based on the Council report at the June 13th Workshop and Council direction, the following options were presented on large boards at the meeting.

Option 1 – A geographic limit in an Urban Area – Proposal 100 metres.

Option 2 – A geographic limit in a Rural Area – Proposal 400 metres.

Option 3 – Limit the number of complaints filed by a single complainant within a specific time Period – e.g. three complaints from one address once a year.

Everyone who attended was provided with a workbook and asked to complete the workbook and return it to municipal hall on or before July 6, 2011. The workbook was also posted online and copies made available at the Hall for those who could not attend.

A blank copy of the workbook and a full transcription of all the comments are attached as appendix B and C to the Recreational Vehicle Parking/Storage – Report on Results of Open House report dated July 25, 2011. In total seventy-four written responses were returned which included sixty-five (65) workbooks and nine (9) written responses via email and other correspondence formats. Council has also been provided with hardcopies

of all the completed submissions. A binder with copies of all the submissions is available at municipal hall for public viewing.

The following table summarizes the responses in the responses to the questions

	Total Responses	Yes	Yes %	No	Other Responses
Do you agree with setting a limit of 100 metres in an urban area for a bylaw complaint?	61	35	57%	25	1 No - expand to 500 m or min. 5 nearest properties
Do you agree with setting a limit of 400 metres in a rural area for a bylaw complaint?	67	45	67%	21	1 No - should be full city block
Do you agree with limiting the number of bylaw complaints filed in a year?	65	49	75%	14	1 Not sure 1 Somewhat

A large majority (75%) agreed with limiting the number of complaints per complainant per year. The most prominent comments received in favour of setting this limit include:

- More than 3 complaints per year are only a nuisance for the Bylaw Department and encourages vendetta complaints.
- As long as a repeated complaint about one issue is only one complaint.

The most prominent comments from those who did not agree include:

- Require that more than one complaint from separate households be received before action is taken.
- Should be able to complain against another neighbour in regards to noise complaints as many times as necessary.

Based on the feedback received it would appear that establishing a limit on the number of complaints per year has merit and it is recommended that this be included as one of the criteria.

The establishment of a geographical limit for filing and receiving complaints was supported by a large majority of the submissions received. There was also support for differentiating between the geographical limits for an urban setting and the geographical limit for a rural setting. There were however differences of opinions on how that geographical limit should be established.

A majority of the responses received (57%) supported the geographical limit in the urban area being established through a 100m radius. The most prominent comments received in favour of a 100m radius include:

- The complaint should originate from the immediate area affected. This will prevent abuse of the system.
- What happens outside these limits does not have any effect on those within it.
- Agree with the limits as long as a property is not affecting the general area and bylaws are enforced.
- Agree with limit because only your immediate neighbours should have the right to complain within your neighbourhood.

Of the submissions that responded to the geographic limit question, and suggested other approaches. The most prominent of those include:

- Impossible to set above limits. Dogs barking day and night, people starting illegal fires in a green belt, noise from parties, vehicles parked illegally, etc. can definitely affect neighbours in an urban area more than 100 m's way. The same argument for rural.
- A problem may be slightly larger/farther away than this "arbitrary" number, but if you pass by it daily, it can impact your neighbourhood and quality of living. Maybe the numbers just need to be increased. Also what if it is 101m?
- Trash, barking dogs, noise could be more than 400 meters from property and affect quality of life.

Within the rural areas establishing a limit using a 400m radius was supported by (67%) of the workbooks that responded to this question. The most prominent comments in favour of this approach include:

- I agree with this. Only people in the area should complain.
- Yes -Only immediate neighbours should have the right to complain within your neighbourhood.
- What happens outside these limits does not have any effect on those within it.

The most prominent comments from those who did not favour a 400m radius include.

- Further than 400 metres on a noise complaint.
- A problem may be slightly larger/farther away than this "arbitrary" number, but if you pass by it daily, it can impact your neighbourhood & quality of living. Maybe the numbers just need to be increased? Also what if it is 401m away.
- Impossible to set above limits. Dogs barking day and night, people starting illegal fires in a green belt, noise from parties, vehicles parked illegally, etc. Can definitely affect neighbours rural area more than 400 m away.

Overall from the feedback received there appears to be agreement that a geographical limit be established. Based on the majority of the feedback received it is recommended that a radius of 100m be established for urban areas and a radius of 400m be established for rural areas. Because there is divergence on what the geographical limit there should be a one year review on the Policy which will provide feedback on how the limits are working.

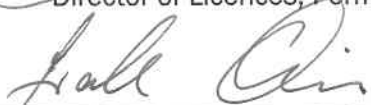
CONCLUSIONS:

A review and analysis of other municipal policies pertaining to bylaw complaint criteria, was completed through May and early June of 2011. Based on this research options for change were identified for presentation at a Public Open House for public feedback. The Open House was held on June 29, 2011 and feedback received up to July 6, 2011. The results of that feedback has been compiled and presented in this report.


Based on the feedback it is recommended that the Bylaw Complaint Criteria Policy be amended to It reflect the incorporation of 100 metre boundaries in urban areas and 400 metre boundaries in rural areas with a limit of 3 complaints per property in a 12 year period. Furthermore, that this policy be reviewed one year after the date of approval.



Prepared by: E.S. (Liz) Holitzki
Director of Licences, Permits, and Bylaws



Approved by: Frank Quinn
General Manager of Operations and Development Services



Concurrences: J.L. (Jim) Rule
Chief Administrative Officer