



BOARD REPORT

TO: Chair and Directors

File No: BL 5754 3995 20 04

SUBJECT: Proposed Public Consultation Plan for Draft Noise Bylaw No. 5754.

DESCRIPTION: Report from Gerald Christie, Manager Development Services, dated May 18, 2017.
Proposed public consultation plan for draft Noise Bylaw No. 5754.

RECOMMENDATION: THAT: the Board support the recommended communications plan for Noise Bylaw No. 5754 which includes website and social media information, online survey, and public availability of printed information prior to consideration of second reading of the bylaw.

SHORT SUMMARY:

At the April 20, 2017 Board meeting a report from Lynda Shykora, Deputy Manager, Corporate Administration, was presented first reading of proposed Noise Bylaw No. 5754. Although the bylaw received first reading from the Board, some Directors desired additional information from staff as to how information about the proposed Noise Bylaw will be relayed to the public. This report outlines a proposed communication plan that will provide opportunities for the public to give feedback that will be provided to the Board when the bylaw is considered for second reading.

VOTING:	Unweighted Corporate <input checked="" type="checkbox"/>	LGA Part 14 (Unweighted) <input type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (<i>Weighted</i>) <input type="checkbox"/>
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BACKGROUND:

Over the course of the last year, the Board has discussed the creation of a Good Neighbour Bylaw which eventually led to a Board recommendation on March 23, 2017 instructing staff to instead focus on developing a Noise Bylaw. On April 20, 2017 the Board gave first reading to Noise Bylaw No. 5754 which provides regulations pertaining to loud and disruptive noises emanating from individuals, equipment, or vehicle use that are deemed to be objectionable and that may generally be disturbing the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

During consideration of first reading of Bylaw No. 5754, the Board discussed various ways to obtain comments and opinions from the public with regard to the bylaw prior to considering second reading. Directors requested that staff create a communications plan that could include online information, a frequently asked questions (FAQ) sheet, online survey and public information meetings. A budget for the proposed communications plan was also requested.

POLICY:

As noted in the April 20, 2017 Board report, Bylaw Enforcement Policy A-69 details how complaints are handled by CSR D bylaw enforcement staff. The policy also prioritizes types of complaints into two classifications with priority given to immediate health and safety risks to humans, significant adverse

environmental risks, or harm to CSRD infrastructure, i.e. Class 1 violations. Noise complaints would be considered a Class 2 violation as they do not typically involve an immediate risk to health and safety of individuals, property or the environment and therefore would be investigated subject to the order the complaint has been received, other priorities, staffing availability, and budget resources. For these reasons, and in particular the civil and subjective nature of such complaints which often happen during the evening/night hours and on weekends when CSRD bylaw enforcement staff are typically unavailable, the RCMP would have the ability to enforce the regulations of the proposed bylaw and issue tickets at their discretion.

The primary purpose in having the Noise Bylaw is to empower and give ticketing ability to the RCMP to sanction those who contravene the bylaw regulations. The bylaw and ticketing are also tools which afford the RCMP with a level of discretion that they would not have otherwise through the Criminal Code. Although CSRD bylaw enforcement staff will deal with noise complaints and work with the RCMP in the enforcement of the bylaw, due to limited CSRD staffing, the very large geographic size of the CSRD, and concern for the safety of staff, it is not considered practical or desirable to have CSRD bylaw enforcement staff patrolling or investigating noise complaints in the middle of the night or throughout the weekends except in exceptional circumstances.

FINANCIAL:

As noted below, the staff recommendation is to proceed with online information, via social media and the CSRD website, an online survey, and some newspaper advertising with regard to the proposed Noise Bylaw. Costs including staff time are limited to the creation of the online information and survey and compilation of information and data for a report to the Board prior to consideration of second reading of the bylaw. Costs of the recommended consultation can be absorbed within the Development Services budget and the staff time necessary for undertaking such work will be prioritized within the existing staff workload. Newspaper advertising is the most costly part of the proposed communication plan but would be limited to one informational advertisement in each Electoral Area and costing approximately \$2500.

Directors had put forward the idea of holding public information meetings in the Electoral Areas on the proposed bylaw. The costs of advertising, meeting space and staff time make such an undertaking very expensive and time intensive and is therefore not recommended.

Advertising	-	\$5000 approx. (min. 2 advertisements per electoral area for public meetings)
Hall Rentals	-	\$1000 approx.
Staff time	-	\$1500 minimum (1 staff / 6days)
Vehicle Use	-	\$500
		TOTAL \$8000

KEY ISSUES/CONCEPTS:

The main intent of the proposed Noise Bylaw is primarily to provide the RCMP with ticketing ability for the most egregious noise-related infractions, most often occurring during the evening/night and summer months. The bylaw provides prohibitions against individuals or property owners from disturbing others peaceful enjoyment of their property or neighborhood. In short, the bylaw proposes that any loud or disruptive sounds that may be heard by a neighbouring property or other premises in the vicinity be prohibited between the hours of 10:00pm and 8:00am. Construction-related activities

and excavation or fill on lands that generates noise that can be heard from a neighbouring property or other premises in the vicinity is prohibited between 10:00pm and 7:00am. Bylaw contraventions can be enforced by a CSRD Bylaw Enforcement Officer or Peace Officer (e.g. RCMP) as appropriate and can involve fines of up to \$1000 via proceedings under the CSRD Ticket Information Utilization Bylaw No. 5296, as amended.

An online public information and consultation program is proposed to disseminate information to the public about the bylaw and to seek feedback via an online survey. Staff will create a webpage for the proposed bylaw that will include a description of the bylaw, a FAQ section, and a link to a short online survey. Using this approach the proposed online information and survey can be completed in a timely and cost effective manner.

Staff are not recommending a larger scale form of consultation via public meetings about the proposed bylaw given the bylaw's simplicity and the intent to merely give the RCMP another tool to use when dealing with excessive and ongoing noise issues. Development Services staff already have underway several projects which require an extensive amount of work and consultation to complete over the next few months, including: new Building Inspection Service open houses and new Building Regulation Bylaw preparation, Electoral Area 'E' OCP public meetings, and Rancho/Deep Creek Zoning Bylaw public meetings. Aside from the significant costs associated with holding public meetings in the Electoral Areas on the proposed Noise Bylaw, due to other priorities already approved by the Board in Development Services work plan for 2017, if the Board required public meetings be held on the proposed Noise Bylaw the earliest staff would be able to undertake such consultation work would be sometime in the fall of 2017 or winter of 2018. For all of these reasons staff are of the opinion that a more limited consultation program is appropriate in this case.

SUMMARY:

At the April 20, 2017 meeting of the CSRD Board, Directors requested that staff develop a plan for informing the public and soliciting feedback about the proposed Noise Bylaw No. 5754. Staff are proposing to use newspaper advertising, social media, webpage on the CSRD's website, and an online survey to elicit comments. Although the Directors discussed the possibility of holding of public meetings on the proposed bylaw staff are of the opinion that due to the excessive costs of advertising and holding these meetings, and the staff time required, that such public meetings are unnecessary given the straightforward nature of the bylaw.

IMPLEMENTATION:

Development Services staff will work with CSRD Information and Technology staff to develop a webpage and survey for the CSRD's website which can then be cross posted on social media. It is anticipated that the newspaper advertisements and online information and survey can be developed over the next few weeks. Respondents will then be given approximately one month to submit comments to staff. Staff will then compile the responses and prepare a report for the September or October Board meeting agenda.

COMMUNICATIONS:

Results from consultation will be provided to the Board for information when the bylaw is brought forward for consideration of second reading. The bylaw was also referred to the RCMP for

information and comment and will be informed of the proposed communication plan as approved by the Board.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation. If endorsed staff will create a webpage, FAQ sheet and online survey to be posted as soon as possible.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

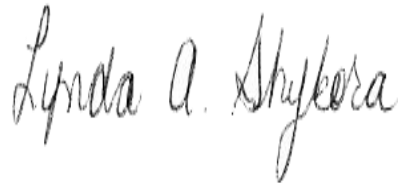
Report Approval Details

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This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 15, 2017 - 9:41 AM



Lynda Shykora - May 15, 2017 - 11:22 AM



Charles Hamilton - May 15, 2017 - 11:58 AM