



BOARD REPORT

TO: Chair and Directors

File No: BL 5754
2300-10

SUBJECT: Consideration of CSR D Noise Bylaw for the regulation of noise within Electoral Areas A, B, C, D, E and F

DESCRIPTION: Report from Lynda Shykora, Deputy Manager, Corporate Administration Services dated April 10, 2017

RECOMMENDATION THAT: "CSR D Noise Bylaw No. 5754" be read a first time this 20th day of April, 2017;
AND FURTHER THAT: the Board support an informal opinion poll and a customized public consultation for each Electoral Area to inform, consult and to gather feedback from community residents in relation to the proposed noise bylaw.

APPROVED for Board Consideration:

Meeting Date: April 20, 2017

Charles Hamilton, CAO

SHORT SUMMARY:

Bylaw No. 5754 is attached for consideration of First Reading (introduction), to be followed by the opportunity for Electoral Area Directors to gather public input from community members in relation to the proposed noise bylaw within Electoral Areas A, B, C, D, E and F.

VOTING:

Unweighted Corporate LGA Part 14 (Unweighted) Weighted Corporate Stakeholder (Weighted)

BACKGROUND:

At the February 7, 2017 Electoral Area Directors' Committee meeting, discussion took place about moving forward with a Good Neighbour Bylaw, initially intended for the regulation of noise and property maintenance (unsightly premises), in Electoral Areas A, B, C, E and F. The outcome of the discussion was a recommendation to the Board "that staff be directed to draft a Noise Bylaw pertaining to Electoral Areas A, B, C, D, E and F for first reading, to be followed up by a public consultation process in the affected communities." At its March 23, 2017 Board meeting, the Board supported the recommendation of the Electoral Area Directors Committee.

POLICY:

The CSR D, pursuant to supplementary Letters Patent dated October 1, 1981, was granted the power to exercise the authority under Section 932 of the Municipal Act, pertaining to control of noise.

Section 324 of the Local Government Act provides that the Board may, by bylaw, regulate or prohibit the making or causes of noise.... that disturb or tend to disturb the quiet, peace, rest, enjoyment,

comfort or convenience of the neighbourhood or persons in the vicinity OR that the Board considers are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

Bylaw Enforcement Policy A-69, adopted February, 2017 - Noise Complaints, as per the policy, would be considered by staff to be Class 2 violations:

- "Class 2 violations do not pose an immediate hazard to persons or property and typically do not involve significant environmental impacts. Such violations tend to have limited off-site implication and may be cosmetic in nature. Investigation of Class 2 complaints will be ranked in the order received and investigated subject to staffing, other priorities, and budgetary resources."
- "To initiate enforcement action by the Regional District, complaints must be submitted in accordance with the following criteria:
 - two (2) complete written bylaw complaints signed by unrelated complainants from within the Electoral Area in which the property is located;
 - one (1) complete written bylaw complaint signed by a complainant whose property is located within 100 metres of the subject property; or,
 - one (1) written or verbal complaint from an RCMP officer.

This means that two written complaints would need to be received by bylaw enforcement staff about the same complaint, one which would need to be from a property owner/resident residing within 100 metres of the property or place subject to the noise complaint. Alternatively, a complaint received from the RCMP would be investigated.

How the RCMP chooses to utilize the proposed Noise Bylaw for the enforcement of noise issues will be based on criteria established by the RCMP.

FINANCIAL:

The Bylaw Enforcement Officers would investigate and enforce as required noise complaints during normal business hours, within the existing Bylaw Enforcement budget, and based upon the newly adopted Bylaw Enforcement Policy A-69.

Depending on the how the proposed Noise Bylaw is utilized by the RCMP, there may additional budget requests made by the RCMP to the CSRD. This matter was discussed at the Electoral Area Directors meeting in February, where the CSRD indicated that it would consider cost-sharing with the RCMP, on a case by case basis, in relation to costs for RCMP personnel to attend court proceedings.

In terms of communications needed to obtain public feedback on the adoption of a noise bylaw within the electoral areas, there are incidental administrative costs for items such as preparing and hosting an on-line opinion poll. There are also costs to advertise and inform the public that the CSRD is seeking feedback on a noise bylaw for their area. It is anticipated that such costs will be captured within the existing administration budget allocations.

KEY ISSUES/CONCEPTS:

The CSRSD currently does not have a bylaw to regulate noise in the Electoral Areas.. The noise bylaw is a tool that will assist the CSRSD in those escalating noise issues, and more particularly the RCMP in dealing with noise issues during evenings and weekends. Before proceeding with adopting noise bylaw regulations, the Electoral Area Directors wish to gather comments from area residents.

The key aspects of the proposed Bylaw are contained in Part III – Noise Regulations. There is a section on General Regulations, a section on Specific Prohibitions (ie the creation of certain noise [music, construction] between 10 pm and 8 am), and an Exemptions section (ie farm operations noise is exempt).

For the Board's information:

- the draft bylaw does not contain noise regulations pertaining to noise generated by the operation of a boat/vessel (ie engine/motor noise) as the CSRSD does not have the authority to control noises produced by the operation of vessels or another aspect of navigation that is a federal matter of regulation.
- the draft bylaw does not apply to barking dogs.

The reference to 'vessel' within the Noise Bylaw Specific Prohibitions would provide the authority to address noise generated by the occupant(s) of a boat/vessel (ie party noise). The enforcement of noise created from on or within a boat/vessel is included as an option that may be utilized by the RCMP. who may have the authority to enter a boat/vessel, whereas the CSRSD Bylaw Enforcement Officers do not. Although included in the proposed Noise Bylaw at this time, there are some inherent difficulties in enforcing noise generated from occupants of boats/vessels.

COMMUNICATIONS:

If the Board gives First reading to Noise Bylaw No. 5754, it will be reported in the April, 2017 Board in Brief which will be published on the CSRSD website, Facebook and Twitter pages.

Administratively, an opinion poll will be made available on the CSRSD website and at the CSRSD office. Other methods of communicating information about the proposed bylaw and opinion poll include emailing the information to community associations within the electoral areas.

It is assumed that the individual Electoral Area Directors will develop and carry out their own customized method(s) for community consultation best suited to their particular electoral area, whether it be speaking to residents at community events, community hall association meetings, utilizing existing Committee meetings such as the Area A Local Advisory Committee, etc..

DESIRED OUTCOMES:

That CSRSD Noise Bylaw No. 5754 be read a First Time.

It is proposed that the public input be compiled and that outcomes of the feedback be presented at a future Board meeting in approximately two to three months time.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*

3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

Report Approval Details

Document Title:	Noise Bylaw No. 5754.docx
Attachments:	- BL5754 Noise Bylaw for First Reading.pdf
Final Approval Date:	Apr 19, 2017

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

A handwritten signature in black ink, appearing to read "C. Hamilton". The signature is written in a cursive, somewhat stylized font.

Charles Hamilton - Apr 19, 2017 - 10:41 AM