



BOARD REPORT

TO: Chair and Directors

File No: BL 5754 3995 20 04

SUBJECT: All Electoral Areas: Proposed Noise Bylaw No. 5754
Consultation Results

DESCRIPTION: Report from Gerald Christie, Manager, Development Services, dated September 10, 2017.
Results of the public consultation conducted in regard to proposed Noise Bylaw No. 5754.

RECOMMENDATION #1: THAT: the Board receive the report of Gerald Christie, Manager, Development Services dated August 24, 2017 re: Proposed Noise Bylaw No. 5754, for information.

RECOMMENDATION #2: THAT: the Board provide direction to staff with regard to bylaw amendments and also confirm the participating Electoral Areas for Bylaw No. 5754.

SHORT SUMMARY:

During July and August 2017, staff advertised throughout the CSR D, provided online and hardcopy information, and asked for comments from the public in regard to the proposed Noise Bylaw No. 5754. The number of comments received and the multitude of opinions expressed varied greatly within and between Electoral Areas. This report provides a snapshot of those comments and the themes encountered. All comments received have been sorted by Electoral Area and provided as an attachment to this report.

Staff continue to be concerned about the public expectations if the Board adopts this bylaw and the potential impacts on staffing and budget resources. As discussed previously with the Board, the enforcement intent of the bylaw continues to be that this bylaw is utilized by the RCMP as necessary in the enforcement of noise related complaints in the participating Electoral Areas. If the Board desires to move forward with this bylaw, and in light of the public concerns and comments received, staff are recommending some changes be made to the Noise Bylaw and that Directors confirm in which Electoral Areas the bylaw should apply.

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

BACKGROUND:

On February 7, 2017, staff were given direction from the Electoral Area Directors 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."

On April 20, 2017, proposed Noise Bylaw No. 5754 was presented by staff to the Board and given first reading. Discussion by the Board focused on the need to consult with the public in the Electoral Areas. The following motion was passed by the Board:

"THAT: staff develop a budget estimate and a Communications Plan that sets out (1) how information on the Noise Bylaw No. 5754 will be relayed to the residents in Electoral Areas A – F, and (2) the method(s) in which feedback from electoral area residents will be gathered in relation to the proposed noise bylaw regulations, for consideration at the May, 2017 Board meeting."

As directed, staff subsequently prepared a report for the May 18, 2017 Board meeting which identified options for public consultation and recommended that social media, printed material, the CSRSD's website and an online survey be utilized. Following significant discussion the Board desired to change the proposed "community consultation" to "public information" and directed staff to:

"... draft refinements to the communications plan that will properly inform the public about the proposed noise bylaw and what it is and what it is not."

At the June 15, 2017 Board meeting, the Board approved of a staff recommended revised motion that utilizes advertising and social media and the CSRSD website to inform the public about the proposed Noise Bylaw:

"THAT: the Board support a communications plan for Noise Bylaw No. 5754, the purpose of the communications being to inform the public about the proposed bylaw by developing a Frequently Asked Questions Fact Sheet, with the information to be posted on the CSRSD website, social media and available at the CSRSD office, prior to considering second reading of the bylaw."

Staff noted that there would be an opportunity for the public to provide comment about the proposed bylaw via an online form as well as having printed material available at the CSRSD offices.

Starting in late June, advertisements were placed in two editions of most newspapers servicing the Electoral Areas as well as in smaller community publications about the proposed Noise Bylaw and how the public could obtain additional information and provide comment. A standalone webpage on the CSRSD website was also created for the proposed Noise Bylaw and housed general information, a Frequently Asked Questions (FAQ) sheet, the proposed bylaw, and contact information if a resident wished to speak with a staff member about the bylaw (<http://www.csrdd.bc.ca/proposed-noise-bylaw>). This information was also provided on the CSRSD's Facebook page. Online comments were received by staff until August 18, 2017.

POLICY:

As noted in previous Board reports in regards to Bylaw No. 5754, the main intent of the proposed bylaw is to provide a municipal ticketing option for the RCMP to deal with noise-related issues. Given the civil and subjective nature of noise complaints, the large geographic size of the regional district, that most complaints happen outside of normal weekday staff hours, and the safety issues of investigating complaints occurring at night or with large gatherings in remote locations, CSRSD enforcement staff would not be investigating such complaints.

If the proposed Bylaw No. 5754 is adopted, at a future Board meeting CSRD staff will bring forward proposed amendments to Bylaw Enforcement Policy A-69 noting the RCMP ability to ticket for bylaw contraventions and the limited practical abilities of CSRD staff to address such complaints. CSRD Bylaw Enforcement staff involvement would consist of forwarding such complaints to the RCMP if a noise-related complaint is made to the CSRD.

FINANCIAL:

Financial impacts consist of providing ticketing books to the RCMP for their use in ticketing for noise-related issues.

Although not a specific budgetary impact, there will be public expectation that proposed Bylaw No. 5754 be enforced if it is adopted. This will result in additional Bylaw Enforcement staff time to receive noise complaints from the public, communicate with complainants and explain the purpose of the bylaw (not for the CSRD to investigate and enforce but to provide an enforcement tool for RCMP), and advise complainants to submit their complaints to the RCMP. Staff are concerned that additional Bylaw Enforcement staff time will be necessary in administering proposed Bylaw No. 5754 and may make less time available to investigate and enforce other CSRD Bylaws. If the proposed Bylaw No. 5754 is adopted, staff will monitor the impact of this bylaw and report out to the Board at later date.

KEY ISSUES/CONCEPTS:

As requested by the Board, staff undertook a newspaper and social media information campaign to provide details about the proposed Noise Bylaw No. 5754 and to encourage comments from the public in regard to the proposed Bylaw. Numerous online comments have been received from all over the CSRD with wide ranging views about the need and applicability of the bylaw in the Electoral Areas.

In total 245 comments were received. A breakdown of the number of comments received per Electoral Area is provided in Table 1 below as well the number of comments that would be considered in favour of the bylaw, not in favour of the bylaw, or if a clear opinion of support/non-support was not provided:

Proposed Noise Bylaw No. 5754 Public Comment Summary

Electoral Area (EA)	In Favour	NOT In Favour	Indeterminate	Total
EA 'A'	41	94	17	152
EA 'B'	0	0	0	0
EA 'C'	20	11	9	40
EA 'D'	6	3	8	17
EA 'E'	2	1	1	4
EA 'F'	10	4	5	19
Unknown	4	4	5	13

Total	83	117	45	245*
-------	----	-----	----	------

* 12 duplicate/blank submissions not counted

Significant themes that were expressed in the comments received include:

In favour of the bylaw:

- There are inconsiderate neighbours;
- Short term renters and tourists cause a lot of late night noise;
- Would be in favour of the bylaw if it deals with boat noise (note: this bylaw is not able to regulate boat noise);
- Quality of life is being impacted.

Not in favour of the bylaw:

- Residents moved to the rural areas to enjoy a rural lifestyle including not having regulations such as a Noise Bylaw;
- City/urban rules do not belong in a rural area;
- This is just a way to bring in more rules and bylaws that are not wanted;
- People talk to their neighbours to resolve issues such as noise;
- Enforcement would be difficult.

General comments include:

- The bylaw should have exceptions for livestock guardian dogs;
- Barking dogs are big nuisance;
- Make it 7:00 AM across the board instead of two different times; rural properties start making noise before the proposed 8:00 AM bylaw regulation;
- In summertime the quiet time should be 11:00 PM as people recreate outside later;
- Less confusion if quiet times for residential and commercial/industrial are the same;
- Enforcement of this bylaw and deciding what is loud is very subjective;
- Should be some tolerance by neighbours of noise from parties, etc.;
- Trains continue to make a lot of noise;
- Look at regulating boat noise too;
- Noise from farm animals and operations needs to be excluded.

The comments received indicate a very polarized view as to the role, appropriateness and effectiveness of a Noise Bylaw. The comments also appear to show a divide between a more rural perspective on permitting some potentially annoying noise to occur and remain unregulated (e.g. Electoral Area A), versus that of a more suburban perspective in more densely populated areas where noise should be regulated (e.g. Electoral Area C).

Some constructive comments were made with regard to issues that are not currently addressed by the bylaw or where the bylaw is unclear. If the Board desires to move forward with Noise Bylaw No. 5754 staff recommend that the Board consider the following issues and the associated proposed amendments to the bylaw.

1. Extension of permitted noise hours – Some comments from the public indicated a desire for the same 'quiet time' hours for residential and commercial/industrial activities. Further, that a later hour permitting noisy activities be allowed on weekends versus weekday, or even later hours in the summer versus winter. For simplicity purposes however, including the ease of understanding by the public as to the noise regulations in place and the difficulty of

enforcement of such a bylaw, staff recommend a 11:00 PM to 7:00 AM 'quiet time' regardless of season, day of week, or type of activity.

Staff recommend Section 3.2 Specific Prohibitions be changed from a 10:00 PM to 7:00 AM quiet time to 11:00 PM to 7:00 AM.

2. Snow clearing operations – although the bylaw specifically notes that government operations for snow clearing operations are exempt from the bylaw there is no such exemption for private operators who often need to work during the night or early morning hours clearing driveways or business parking lots prior to their use later that day. It is, therefore, recommended that private snow clearing operators conducting snow clearing or removal be noted as an exemption to the bylaw in Section 3.3 Exemptions:

3.3 (e) Commercial snow clearing and removal operations;

3. Commercial deliveries – there are numerous commercial truck operators who deliver supplies to stores or other businesses prior to those businesses opening to the public in the morning. It is, therefore, recommended that such truck deliveries, and the associated noise that they may make (e.g. motor noise, backup alarms, etc.) be added as an exemption in Section 3.3 Exemptions in the bylaw to allow such deliveries to continue:

3.3 (f) Operating a commercial delivery vehicle;

4. Livestock Guardian Dogs/Barking dogs – Significant concern was expressed by the public in some areas that livestock guardian dogs and the noise they may make when used for agricultural and ranching purposes (e.g. barking) is not clearly permitted in the bylaw. Further, ALC regulations also do not clearly define the use of such dogs as an inalienable and protected farm use. As this Noise Bylaw is not meant to be a Dog Bylaw whereby such bylaws regulate barking, nuisance or aggressive dogs, staff recommend for clarity that the Noise Bylaw exempt noise coming from barking dogs generally:

3.3 (g) This bylaw does not deal with noise from barking dogs;

5. Permitted Agricultural Land Commission (ALC) uses - The ALC permits certain types of uses on Agricultural Land Reserve (ALR) lands. Local governments are permitted to regulate some of those land uses if desired. Given the numerous ALR properties and operations that exist in the CSRD, and that the ALC has their own enforcement staff for enforcing ALC regulations, staff recommend that the Noise Bylaw specifically exempt noise which occurs from activities that are permitted by the ALC:

3.3 (h) Noise resulting from agricultural or other uses that the Agricultural Land Commission (ALC) permits on properties within the Agricultural Land Reserve (ALR).

SUMMARY:

After Noise Bylaw No. 5754 received first reading staff were directed by the Board to provide information to the public and allow an opportunity for comments to be submitted in regards to the proposed bylaw. A total of 245 comments were received from throughout the CSRD except Electoral Area 'B'. Although most comments had strong opinions both for and against the bylaw some constructive changes were also proposed; staff have therefore recommended some amendments be made to the bylaw if the Board desires to move the bylaw forward. Staff will also require direction from the Board as to which Electoral Areas the bylaw is going to apply. Staff will then be able to bring back an amended bylaw to the Board this fall for consideration of second reading, third reading, and adoption. Staff is concerned about the effectiveness of the bylaw to meet public expectations and the time resources required for the Bylaw Enforcement staff to answer enquiries, etc. about the bylaw.

IMPLEMENTATION:

If adopted, Noise Bylaw No. 5754 will be placed on the CSRD webpage that has been created for the bylaw and a news release noting that the Noise Bylaw is now in effect. RCMP detachments will also be made aware of the adoption of the bylaw and provided with copies for their information.

COMMUNICATIONS:

The RCMP has been referred this bylaw previously and will be notified if the Board adopts the bylaw. CSRD Bylaw Enforcement staff will continue to liaise with the RCMP as necessary and provide the local detachments with ticketing books and applicable bylaws as required.

DESIRED OUTCOMES:

That the Board provide direction to staff as to what bylaw amendments should be made and indicate which Electoral Areas wish to participate in the bylaw. Staff will then make any necessary changes to the bylaw and bring it back to the Board for consideration of second reading, third reading and adoption this fall.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Propose additional amendments; Bylaw No. 5754 will be brought forward to the next regular Board meeting for second reading as amended.*
3. *Deny one or all of the Recommendations.*
4. *Defer.*
5. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2017-09-21_Board_DS_BL5754 - Noise Bylaw consultation results.docx
Attachments:	- BL5754_First.pdf - Public_comments_summary_BL5754.pdf
Final Approval Date:	Sep 11, 2017

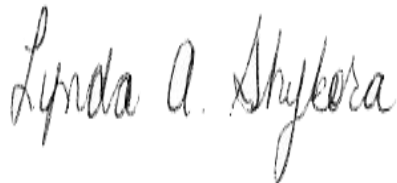
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Sep 11, 2017 - 12:50 PM



Gerald Christie - Sep 11, 2017 - 1:12 PM



Lynda Shykora - Sep 11, 2017 - 3:04 PM



Charles Hamilton - Sep 11, 2017 - 3:18 PM