

Noise Regulation and Prohibition Bylaw Review & Consolidation Project

Electoral Area “C”, “D”, “E”, “F”, “H” & “I”

Noise Bylaw Review & Consolidation

Review Context:

- Currently five (5) different “Noise Bylaws” applied to six (6) different Electoral Areas;
- These bylaws were implemented between 1994 and 2013;
- Significant overlap and duplication exists between the bylaws;
- Business Plan: “optimizing the customer experience ... by improving bylaws ...”
- Facilitate introduction of new development services software.

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Proposed Revisions:

- inclusion of Electoral Area “I”;
- introduction of new definitions (e.g. “authorized person”, “noise”, “Bylaw Enforcement Officer”, etc.);
- introduction of new administrative elements:
 - new sub-headings to clarify enforcement regulations;
 - right of entry for Bylaw Enforcement Officer;
 - prohibition on obstructing a Bylaw Enforcement Officer.

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Proposed Revisions:

- revised noise regulations, including removal of current “anti-idling” provision as this is now captured under the “general” noise provisions;
- new, standardized exemption for construction:

Day	Time
Monday – Saturday	7:00 am – 8:00 pm
Sundays and Statutory Holidays	10:00 am – 5:00 pm

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Proposed Revisions:

- delegation of applications for a temporary exemption to the CAO (i.e. “authorized person”);
- introduction of appeal procedures of a delegated decision to the Board; and
- introduction of a revised application fee for a temporary exemption.

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Board Consideration:

- Planning and Development (P&D) Committee meeting of July 22, 2021;
- Resolution:
THAT Bylaw No. 2931 Noise Regulation and Prohibition Bylaw be referred to the Electoral Area Advisory Planning Commissions (APC).

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APC Consideration:

- Support for the bylaw as drafted (Areas “F” & “I”)
- Support for the bylaw, subject to the “commercial clause” being clarified (Area “H”);
- Support for the bylaw, subject to commercial activity being prohibited on Sundays and Stat. Holidays (Areas “D” & “E”);
- Support for the bylaw, subject to construction hours on Sundays and Stat. Holidays being revised (Area “E”).

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Issues:

- A Noise Bylaw cannot prohibit commercial construction activities from occurring on specific days of the week.
- A Noise Bylaw can only address the level of noise being generated by commercial construction activities.
- Creating different categories of acceptable noise on a Sunday or Stat. Holiday *may* create enforcement challenges in attempting to establish the source of the noise (i.e. a property owner of their contractor).

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Option 1:

- Consistent Construction Hours exemption across Electoral Areas:

Day	Time
Monday – Saturday	7:00 am – 8:00 pm
Sundays and Statutory Holidays	10:00 am – 5:00 pm

- Delete Section 6.2, being a prohibition on activities for “profit and gain” on a Sunday or Statutory Holiday.

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Option 2:

- Variable Construction Hours exemption across Electoral Areas:

<i>Day</i>	<i>Time</i>
<i>Monday – Saturday</i>	<i>7:00 am – 8:00 pm</i>
<i>Sundays and Statutory Holidays</i>	<i>10:00 am – 5:00 pm</i>
<i>Electoral Area “C”, “D”, “H” & “I”</i>	<i>10:00 am – 5:00 pm</i>
<i>Electoral Area “E”</i>	<i>11:00 am – 4:00 pm</i>
<i>Electoral Area “F”</i>	<i>8:00 am – 10:00 pm</i>

- Delete Section 6.2, being a prohibition on activities for “profit and gain” on a Sunday or Statutory Holiday.

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Option 3:

- Consistent Construction Hours exemption across Electoral Areas*:

Day	Time
Monday – Saturday	7:00 am – 8:00 pm
Sundays and Statutory Holidays	10:00 am – 5:00 pm

- Retain Section 6.2, being a prohibition on activities for “profit and gain” on a Sunday or Statutory Holiday.

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Other Proposed Revisions:

- “Temporary Exemption” Assessment Criteria:
 - is it impractical or unsafe to carry out the proposed works;
 - are there seasonal considerations;
 - the proposed length of the exemption being sought excessive; and
 - what measures, if any, are being implemented to mitigate the anticipated noise.
- “Temporary Exemption” application fee: \$100

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Other Proposed Revisions:

- Current bylaws all contain references to “gravel crusher” and “asphalt plant”:

No person shall operate, use or allow, permit or cause to be used or operate any bulldozer, grader, backhoe, power shovel, loader, crane, pile-driver, pneumatic drill, jackhammer, concrete mixer, gravel crusher, asphalt plant, hammer or saw outside of the following hours:

- Proposed to retain this reference in new bylaw through inclusion of “heavy industrial use” definition and regulation (e.g. heavy industrial uses cannot emit loud noise between 8:00 pm and 7:00 am).

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QUESTIONS?