



REQUEST FOR DECISION

MEETING DATE: May 9, 2022

TITLE: C-1198-22 – Traffic Bylaw Amendment – Third Reading

DIVISION: Planning & Infrastructure

SUMMARY:

Third reading of Bylaw C-1198-22 – Traffic Bylaw Amendment is being brought forward for consideration by Council. The amendments include the establishment of decibel levels for motor vehicles, the testing and calibration requirements of the decibel device, and establishment of penalties for exceeding set levels.

First and Second reading were given on April 25, 2022.

PROPOSED MOTION:

THAT third reading be given to Bylaw C-1198-22 – Traffic Bylaw Amendment.

BACKGROUND / ANALYSIS:

During Committee of the Whole meetings related to the 2022-2024 Corporate Plan a motion was passed as follows:

THAT Committee recommends to Council that Administration prepare a report on the feasibility of a decibel device for the purpose of enforcement of noise and that a report be provided to the Community Road Safety Advisory Committee prior to coming to Council.

Administration reviewed current legislation and obtained a legal review for the use of a decibel device for the enforcement of noise, specifically in relation to motor vehicles. Based on that review Administration presented Council with options related to the enforcement of noise related to motor vehicles. Those being:

Option #1: The City could continue with enforcement work under the Traffic Safety Act. Currently, the City can and has used the following sections to enforce:

Section 61 (Vehicle Equipment Regulation) prohibits mufflers that create excessive noise or produce flames or sparks, prohibits widened exhaust outlets, and prohibits devices attached to exhaust systems or mufflers that increase vehicle noise.

Section 82 (Use of Highway and Rules of the Road Regulation) prohibits emitting loud and unnecessary noise from a vehicle or any part of it, or from anything or substance that the vehicle or a part of the vehicle comes into contact with.

Section 87 (Use of Highway and Rules of the Road Regulation) prohibits driving a motor vehicle in a residential area in an unduly disturbing manner between 10 p.m. and 7 a.m.

During the Traffic Safety Division pilot conducted in 2021 officers issued 14 charges for muffler violations under provincial legislation. Provincial legislation does not utilize a decibel reading and instead the officers rely on illegal muffler modifications or officer opinion of excessive noise as identified above. This practice could continue as the sole enforcement option for excessive noise. Charges under the Traffic Safety Act are set at \$162 per offence.

Option #2: In addition to Option #1 (as officers can always continue to utilize the Traffic Safety Act) if Council wanted to proceed the following proposed motion could be considered:

That administration be directed to draft amendments to the Traffic Bylaw including the establishment of decibel levels for motor vehicles, the testing and calibration requirements of the decibel device, and establishment of penalties for exceeding set levels and that the Bylaw be brought back to Council no later than April 30, 2022.

Legal review and advice would be sought; however, for context penalties under the City's existing noise bylaw start at \$250 for the first offence and \$500 for the second and each subsequent offence. These amounts align with other municipalities for similar offences (overall noise and vehicle noise).

Council directed Administration to proceed with Option #2. The drafting of the amending bylaw has been completed and is presented for consideration by Council. If the bylaw is approved Enforcement Services will then proceed with the purchase and training of the decibel devices.

Decibel devices would reside within Enforcement Services and be assigned to the newly created Traffic Safety Division. When on patrol these officers would pull over any vehicles which appear to be in violation of the bylaw and then take a decibel reading to establish if a violation is in fact occurring and then either issue a warning or a fine based on officer discretion. Officers also, from time-to-time, establish check stops for the purpose of enforcing the *Traffic Safety Act*

including Vehicle Equipment Regulations, at which time they may also enforce the City's Traffic Bylaw in relation to vehicle noise.

Corporate Communications has also been engaged to provide communications to the residents and visitors of Spruce Grove in relation to the enhanced enforcement of these provincial and municipal regulations.

OPTIONS / ALTERNATIVES:

Council may choose to refer the bylaw back to Administration to incorporate further amendments.

CONSULTATION / ENGAGEMENT:

Legal counsel provided advice on the enforcement of motor vehicle noise and the use of decibel devices and they provided the content of the bylaw amendment.

IMPLEMENTATION / COMMUNICATION:

If the bylaw is passed, the amendments will be consolidated into C-1123-20 – Traffic Bylaw, and posted on the City's website.

There will be a public education and communications campaign.

IMPACTS:

Enforcement Services will have a tool to address motor vehicle complaints and to take action.

FINANCIAL IMPLICATIONS:

It is estimated that the cost of this program would be \$5,000 which includes the drafting of an amending bylaw by legal counsel and purchase of two decibel meters.

Ongoing public education and communication costs are between \$3,000 – \$5,000.

STRATEGIC VISION ELEMENT:

Where People Choose to Live - A dynamic city with and exceptional quality of life

RELATED GOAL:

Citizens feel safe within their communities.