



REQUEST FOR DECISION

MEETING DATE: January 24, 2022

TITLE: Motor Vehicle Noise Enforcement

DIVISION: Community & Protective Services

SUMMARY:

During the Corporate Plan review process the following motion was made "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".

PROPOSED MOTION:

A motion is not required.

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".

As per this direction Administration has 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. In order for the City to use a decibel device the City would require minor 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. Decibel levels would be based off of the standards established in the Canadian Motor Vehicle Safety Standards/Regulations; testing and calibration would be specific to the make and model of decibel device to be purchased and based on

manufactures specifications, while penalties would be recommended by Administration and established by Council.

If devices are obtained they 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, a time at which they may also enforce the City's Traffic Bylaw in relation to vehicle noise.

OPTIONS / ALTERNATIVES:

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 any thing 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).

CONSULTATION / ENGAGEMENT:

A legal review was obtained to establish Council's authority to pass these type of bylaw amendments and also to address any potential concerns with enforcement. In the matter of bylaws, the City is responsible for the prosecution of bylaws and the opinion obtained was from the legal counsel who also acts as the prosecutor in these matters.

The Community Road Safety Advisory Committee was presented this information at their January 12, 2022 regular meeting and passed the following motion: "That the Committee supports and recommends to Council the purchase of a Decibel Meter as well as develop a communication plan for public distribution in advance of implementation".

IMPLEMENTATION / COMMUNICATION:

n/a

IMPACTS:

n/a

FINANCIAL IMPLICATIONS:

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

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.