Councillor Request Inquiry #13-2020 2020

Please circulate previous reports from this and the past Council term respecting vehicle noise enforcement.

Dear Members of Council:

The information below is in response to the Information Request on Vehicle Noise Enforcement as requested at the May 26 Council meeting:

May 26, 2020 Council – Information Request (Councillor Botterill):
Please circulate previous reports from this and the past Council term respecting vehicle noise enforcement.

The list below provides all relevant previous reports and information requests.

Thank you,
Mavis Nathoo
Director, Legislative and Legal Services

November 27, 2018 – Council Report – Update to Policy SER-009-027
Agenda link: Update to Policy SER-009-027 Traffic Noise
See November 27, 2018 Update to Policy SER-009-027 Traffic Noise, above link, (attachment 1).

April 17, 2018 – Information Request – Loud Vehicle Bylaw
See May 8, 2018 CRR 26-2018 (attachment 2).

July 18, 2017 - Information Request – Measurement of Noise Disturbance
See September 5, 2017 Info Request Response CRR 141 (attachment 3).

January 17, 2017 - Council Report
Agenda link: Success and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw.
See January 17, 2017 Report – Successes and Challenges of Motorcycle Noise Provisions in Community Standards bylaw 2017, above link, (attachment 4).

October 18, 2016 – Priorities Committee Report
Agenda link: Successes and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw.
See October 18, 2016 Successes and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw, above link, (attachment 5).

Councillor Request Inquiry #13-2020

2020

June 16, 2015 – Information Request – Motorcycle Noise
Response provided July 1, 2015:

Strathcona County RCMP and Enforcement Services continue to take a proactive role in the enforcement of excessive vehicle noise. This enforcement is not limited to motorcycles, but also encompasses cars, small trucks and large commercial carriers. In the majority of cases, the charges are ancillary to other violations detected by our officers and noisy vehicles continue to be a major focus of all vehicle equipment checks. In 2015, RCMP and Strathcona County RCMP and Enforcement Services have laid in excess of 80 charges under the Traffic Safety Act, which pertained to faulty or modified exhausts causing excessive noise.

At present, violators are charged under Section 65(1)(d) of the Vehicle Equipment Regulations of the Traffic Safety Act. The evidentiary grounds for conviction are based on subjective observance and experience of the investigator to conclude the noise exceeds proper levels and thusly, the current rate of conviction in court varies. Conversely, municipalities that have implemented Bylaws which utilize technological equipment to measure excessive volume have experienced challenges in court pertaining to equipment certifications and up to date officer training as well as road-side equipment failure.

A decibel specific Bylaw implemented by Strathcona County is not favorable when factoring in training, equipment purchases, maintenance and certifications. The detriments posed by initial cost, long term maintenance and on-going training if such a Bylaw was enacted could certainly outweigh the benefits for citizens of Strathcona County. In the long term, such a Bylaw may or may not deter motorists from driving vehicles with excessive noise caused by equipment failure or equipment modifications, particularly when the violator is not from our Community.

Research conducted and presented to Mayor and Council originally in 2012 and again November 26, 2013, by then Officer in Charge Supt. Gary Steinke, included a review of Edmonton Police Services Excessive Noise Bylaw.

Update to Policy SER-009-027 Traffic Noise

Report Purpose
To provide information to Council to make a decision on the updated Policy SER-009-027 Traffic Noise.

Recommendation
THAT Policy SER-009-027 Traffic Noise, as set out in Enclosure 1 of the November 27, 2018, Planning and Development Services report, be approved.

Our Prioritized Strategic Goals
Goal 2 - Manage, invest and plan for sustainable municipal infrastructure
Goal 6 - Provide facilities and services that are available and accessible to residents
Goal 8 - Foster an environment for safe communities

Report
Legislative and Legal Services has been working with all Strathcona County departments to conduct a thorough policy review. The goals of the review include updating policies that are no longer current, identifying potential policy gaps, and eliminating or rescinding policies that are no longer required.

Policy SER-009-027 has been updated to the new policy format and revisions has been made to improve clarity and remove procedural and ancillary information from the Policy. There are no substantive changes to the content of Policy SER-009-027.

Council and Committee History

June 12, 2007	Council approved updates to Policy SER-009-027 Traffic Noise
January 8, 1992	Council approved Policy SER-009-027 Traffic Noise

Other Impacts
Policy: GOV-002-021 Mandatory Review of Bylaws and Policies require that policies are reviewed on a three-year cycle.
Legislative/Legal: The *Municipal Government Act* s.5 sets out that a municipality has the duties that are imposed on it by enactments and those that the municipality imposes on itself as a matter of policy.
Interdepartmental: Transportation and Agriculture Services; Transportation, Planning and Engineering; and Planning and Development Services all have responsibilities in the implementation of this policy and have had opportunity to provide input.
Master Plan/Framework: n/a

Communication Plan
Legislative and Legal Services documents all policies and works with the various departments to ensure that the Municipal Policy Handbook is updated and that any webpage or external reference to the policy are updated appropriately.

Enclosures

1	Policy SER-009-027 Traffic Noise (updated)
2	Policy SER-009-027 Traffic Noise (current)

Author: Jessica Jones, Planning and Development Services
Director: Stacy Fedechko, Planning and Development Services
Associate Commissioner: Kevin Glebe, Infrastructure and Planning Services
Lead Department: Planning and Development Services

STRATHCONA COUNTY

Policy

Traffic Noise

References: Bylaw 6-2015 the *Land Use Bylaw*
Bylaw 2-2017 the *Transportation Systems Bylaw*
Bylaw 20-2017 the *Municipal Development Plan*

Policy Statement

A consistent framework is necessary for the assessment and, as needed, the attenuation of forecasted or actual traffic noise in Residential Developments.

Strathcona County will seek to minimize impacts of traffic noise from Major Roadways on adjacent Residential Developments through provision of Noise Attenuation measures designed to achieve the prescribed noise levels.

Purpose

The purpose of this policy is to provide the design noise levels and descriptors, design criteria, and the responsibility for traffic Noise Attenuation.

Definitions

Developer – an entity or person that develops private or public lands in Strathcona County.

Major Roadway – any arterial roadway, Class I or II rural grid road, or a provincial highway, as designated in the *Transportation Systems Bylaw*, as amended or replaced from time to time.

Noise Attenuation – intervention to reduce traffic noise in Residential Development to a level below the maximum design outdoor noise level.

Noise Impact Assessment – noise prediction model which addresses present and future traffic noise levels and identifies attenuation measures required to maintain noise within a prescribed outdoor noise level.

Residential Development – residential development located within the Urban Service Area, Hamlet, or Country Residential Policy Area as designated in the *Municipal Development Plan*", as amended or replaced from time to time.

Sustainable Urban Village – compact, walkable, mixed use neighbourhoods, as designated in the *Land Use Bylaw* and adopted Area Structure Plans, as amended or replaced from time to time. The Palisades neighborhood is also considered a Sustainable Urban Village.

Vicinity – The depth of two (2) residential lots nearest to a Major Roadway, regardless of commercial, light industrial or green space screening.

Guidelines

The sound level descriptor, used in all noise level assessments and prescribed in this policy, will be the 24 Hour Energy Equivalent Sound Level or Leq (24 Hour) expressed in A-weighed decibels or dBA.

A. Attenuation of Traffic Noise for New Developments

1) The maximum design outdoor noise level shall be 55 dBA Leq (24 Hour).
2) A Noise Impact Assessment, satisfactory to the County, is required for all new Residential Developments proposed to be constructed within Vicinity of existing and proposed Major Roadways.
3) The Noise Impact Assessment must address background noise levels, the impact of current traffic levels and the impact of traffic at projected road design capacity. The assessment will identify the Noise Attenuation measures necessary to not exceed the design outdoor noise level.
4) Noise Attenuation for new Residential Development shall be provided for rear yard outdoor amenity areas and be achieved through building orientation, privacy walls and fences.
5) Noise Attenuation for Sustainable Urban Villages shall be provided for outdoor amenity spaces, at grade decks and patios and be achieved through building orientation and design.
6) Noise Attenuation measures shall be designed and constructed by the Developer at the Developer's expense.

B. Attenuation of Traffic Noise for Existing Residential Developments

1) No Noise Attenuation measures will be undertaken by the County for Residential Developments until the measured outdoor noise levels, 5 metres from the rear facade of the dwelling and 1.5 metres above the ground or deck elevation at that point, exceed 65 dBA Leq (24 Hour).
2) No Noise Attenuation measures will be provided for outdoor spaces at second or subsequent storeys of houses unless such Noise Attenuation can be achieved by a maximum of 2.5 metre wall on the existing grades at the road right of way limit, and if noise attenuation is warranted as outlined in 1) above.
3) Noise Attenuation measures shall be designed and constructed by the County, as directed by Council.

Policy Record

Date of Approval by Council: January 08, 1992
June 12, 2007

Resolution No: 1079/92
527/2007

Next Review Date: November 27, 2021

Policy No: SER-009-027

Last Review Date: November 27, 2018

Replaces: N/A

Administrative Review: Planning and Development Services

Traffic Noise

Date Approved by Council: 1/08/92; 06/12/2007 Resolution No: 1079/92; 527/2007

Lead Role: Chief Commissioner Replaces: N/A

Last Review Date: June 12, 2007 Next Review Date: 2010

Administrative Responsibility: Engineering & Environmental Planning

Policy Statement

A consistent framework is necessary for the assessment and, as necessary, the attenuation of forecasted or actual traffic noise in residential neighborhoods.

Definitions

A. Outdoor Criterion Sound Level for new residential development - 55 dBA.

B. Outdoor Trigger Criterion Sound Level for existing residential development - 65 dBA

C. Receiver location - 5 metres from the rear facade of the dwelling and 1.5 metres above the ground elevation at that point

D. Road Design Capacity – For the purpose of this Policy, projected traffic volumes to be used for the calculation of projected noise levels on arterial roads are:

- 4 lane arterial road - 27,000 vehicles per day
- 6 lane arterial road - 40,000 vehicles per day

E. Sound Level Descriptor - The sound level descriptor to be used in all assessments will be the 24 Hour Energy Equivalent Sound Level or Leq (24 Hour) expressed in A-weighted decibels or dBA. All sound levels in this policy are Leq (24 Hour).

F. Vicinity - the depth of 2 residential lots and will be the nearest residential lots to the roadway regardless of commercial, light industrial or green space screening

G. Residential Urban Village - compact, walkable, mixed-use neighbourhoods, as designated in the Area Concept Plans and Area Structure Plans.

Guidelines

A. Attenuation of Traffic Noise for Proposed New Residential Development

1) A Noise Impact Assessment, satisfactory to the Manager of Engineering and Environmental Planning, is required for all residential development to be constructed within the vicinity of existing and proposed major roadways.

2) The assessment must address background noise levels, the impact of current traffic levels and the impact of traffic at projected road design capacity. The assessment will identify the attenuation measures necessary to meet the Outdoor Criterion Sound Level.

B. Attenuation of Traffic Noise for Existing Residential Areas

1) No measures will be undertaken for residential neighbourhoods until the measured noise levels 5 metres from the rear facade of the dwelling and 1.5 metres above the ground elevation at that point, exceed 65 dBA.

2) No protection will be provided for second or subsequent storeys of houses unless such protection can be achieved by a maximum of a 2.5 metre wall on the existing grades at the road right-of-way limit.

C. Attenuation of Traffic Noise for Residential Urban Villages

1) A Noise Impact Assessment, satisfactory to the Manager of Engineering and Environmental Planning, is required for all residential development to be constructed within the vicinity of existing and proposed major roadways.

2) Noise attenuation will be provided through building orientation and privacy walls and fences.

Procedures

A. Attenuation of Traffic Noise for Proposed New Residential Development

1) Developers will be required to provide a design for a 55 dBA maximum noise level. The Manager of Engineering and Environmental Planning, at his sole discretion, may relax the design in the interests of practicality, however, under no circumstances shall the attenuation measures as designed permit greater than 60 dBA at design road capacity 5 metres from the facade of the nearest dwellings and 1.5 metres above the ground elevation at that point.

2) Traffic noise levels will be estimated using the Strathcona County Traffic Noise Prediction Model. When traffic noise predictions are made, print-outs from the model containing the input data and predicted sound levels will be attached to the Noise Impact Statement for consideration and acceptance by the County. Electronic "reports" will also be acceptable if compatible with County equipment and systems.

3) The traffic volumes used for the noise prediction will be the Road Design Capacity traffic volumes. Percentages of medium and heavy trucks for use in the model will be based on existing traffic counts.

4) The Developer shall construct or provide funds for the construction of the attenuation measures to meet the road design capacity.

5) Where the predicted noise levels are below the 55 dBA level without the provision of a attenuation facility, the minimum requirement acceptable is a 1.8 metre high double board wood fence. At the sole discretion of the Manager of Engineering and Environmental Planning this may be relaxed in circumstances where the vicinity of the house is screened from the roadway by sufficient vegetation to provide a design noise level no greater than 55 dBA, 5 metres from the nearest dwelling's facade and 1.5 metres above the ground elevation at that point. The screening property must be municipal reserve, environmental reserve, public utility lot or other such designation or use that would not reasonably be expected to change during the design life of the dwellings.

6) Wherever possible absorptive materials will be preferred over reflective noise attenuation measures. Developers are encouraged to explore the availability of alternative construction material for the construction noise attenuation facilities and use vegetation in the development for screening of the arterial from the residence.

7) Achievement of C.M.H.C. recommended noise levels inside buildings is not controllable by the County. Home owners concerned about these noise levels are expected to take their own mitigative measures and should refer to Part 11 of the Alberta Building Code that specifies the use of sound insulation for the interior living areas. If requested, the Manager of Engineering and Environmental Planning may authorize home interior testing for the determination of the building attenuation measures required.

8) The developers of any multi-storey residences planned for "the vicinity" of a major roadway must use sound insulation for the interior living areas that conform to Part II of the Alberta Building Code.

B. Attenuation of Traffic Noise for Existing Residential Areas

1) In areas where the Outdoor Trigger Sound Level Criterion of 65 dBA noise level is exceeded, Council will consider, on a priority and availability of funds basis, the construction of such noise attenuation measures that are determined by Administration to have the desired attenuating effect.

2) Where residents would prefer a more expensive attenuation measure than that proposed by the County, they may petition on a local improvement charge basis to pay the difference in cost for the enhanced facility.

3) Where residents would prefer a noise attenuation facility in advance of the County's ability to provide it, in accordance with the Municipal Government Act, RCA 2000, M-26, they may petition for the construction of such noise attenuation measures at any time on a 100% local improvement charge basis.

4) The residents will be assisted by Engineering and Environmental Planning staff in the determination of the design and estimated cost of such noise attenuation measures. In conjunction with the petition process, all residents adjacent to the property line on which the facility will be constructed must sign a working easement agreement prior to implementation of the project.

C. Attenuation of Traffic Noise for Residential Urban Villages

1) Developers will be required to provide a design for a 55 dBA maximum noise level to the outdoor amenity area and deck areas.

2) Traffic noise levels will be estimated using the Strathcona County Traffic Noise Prediction Model. When traffic noise predictions are made, print-outs from the model containing the input data and predicted sound levels will be attached to the Noise Impact Statement for consideration and acceptance by the County. Electronic "reports" will also be acceptable if compatible with County equipment and systems.

3) The traffic volumes used for the noise prediction will be the Road Design Capacity traffic volumes. Percentages of medium and heavy trucks for use in the model will be based on existing traffic counts.

4) Developers must use sound insulation for the interior living areas that conform to Part 11 of the Alberta Building Code.

Attachment 2

Councillor Request Inquiry # 26-2018

2018

At its meeting held on January 17, 2017, RCMP/Enforcement Services presented a report to Council highlighting the successes and challenges encountered by the City of Edmonton in implementing the motorcycle noise provisions of its Community Standards Bylaw and provided information on the implications of a similar bylaw in Strathcona County that would apply to noise from all motorized vehicles.

As part of its report to Council, Enforcement Services reported that the Traffic Safety Act, The Use of Highway Rules of the Road Regulations and the County's Noise Control Bylaw #66-99 are used by officers to enforce excessive noise emitted by vehicles in Strathcona County.

Four options were presented to Council at the January 17 meeting as a strategy to deal with excessive noise in Strathcona County. Following some discussion, Council approved the "Three-Phase Enhanced Approach", which includes an Education/Prevention Phase, an Enforcement Phase, and a Prosecution Phase.

The Education/Prevention Phase includes rural and urban off site education programs and utilizing media for proper messaging. The Enforcement Phase includes the use of digital decibel readers to enhance enforcement strategies (22 of these readers have been purchased and are currently in use). The Prosecution Phase includes enhanced evidence and testimony training for Enforcement Services.

Through sustained enforcement and a continuous effort by members of the Traffic Unit and General Duty Section, there has been a 34% decrease in the number of reported incidents surrounding noise in Strathcona County for the 2017 year over 2016. Presently, RCMP/Enforcement Services has over 20 outstanding investigations involving charges laid under the Noise Bylaw in the court process, with the majority awaiting trial.

RCMP/Enforcement Services will again be hosting two free noise roadside clinics. These clinics provide drivers of motorcycles, and all other vehicles, the opportunity to have a professional assessment conducted on their noise emission to determine whether or not they could face charges if they operated their vehicles in their present state. Dates and times of these clinics will be communicated once confirmed. This does not address the issues of drivers whose vehicles meet all the required specification, but operate their vehicles in a manner that causes excessive noise. The County's officers continue to address those individuals as they see them.

Attachment 3

Councillor Request Inquiry # 141

2017

The Traffic Noise Policy SER-009-027 falls under Planning and Development Services and speaks to:

A. Outdoor Criterion Sound Level for new residential development - 55 dBA
B. Outdoor Trigger Criterion Sound Level for existing residential development - 65 dBA

The intent of the new residential development noise level being lower, at 55 dBA, is for predictive/modelled levels of noise based upon design calculations with assumed volumes of traffic for developers to meet development standards in attenuation, prior to acceptance of their development permit.

Once a residential area is built, the policy guides the collection and evaluation of actual road noise adjacent to arterial roads. TAS has the noise measurement data collection device and is responsible for collecting and reporting on the measured noise levels. According to the policy, In areas where the Outdoor Trigger Sound Level Criterion of 65 dBA noise level is exceeded, Council will consider, on a priority and availability of funds basis, the construction of such noise attenuation measures that are determined by Administration to have the desired attenuating effect.

Where residents would prefer a more expensive attenuation measure than that proposed by Strathcona County, they may petition on a local improvement charge basis to pay the difference in cost for the enhanced facility.

Where residents would prefer a noise attenuation facility in advance of the County's ability to provide it, in accordance with the Municipal Government Act, RCA 2000, M-26, they may petition for the construction of such noise attenuation measures at any time on a 100% local improvement charge basis.

Planning and Development Services has initiated review of the existing Traffic Noise Policy SER-009-027 which included some preliminary review of policies within the region. Generally, other regional policies appear to speak to attenuation thresholds within the 55-65dBA range although primarily in application to new residential developments adjacent to specified transportation corridors. Some specific examples within the region are as follows:

- Edmonton – 65 dBA for proposed residential developments under 3-storey
- Calgary – 60 dBA for proposed and existing residential developments
- Airdrie – 57.5 dBA for proposed residential developments

Strathcona County's Traffic Noise Policy SER-009-027 can be found at the following link:
http://www.strathcona.ca/files/files/attachment-lls-mph-ser-009-027-traffic-noise.pdf

STRATHCONA COUNTY

This document is to provide information regarding information on how neighbouring municipalities measure noise disturbance.

Municipality	**How do they address Residential/commercial noise complaints?**	**How do they address vehicle noise complaints?**	**Acceptable dba levels Residential/Commercial zones?**
Morinville	Officer discretion for municipal Noise Bylaw	Traffic Safety Act for vehicle noise	No decibel (dba) levels.
Fort Saskatchewan	Officer discretion for municipal Noise Bylaw	Traffic Safety Act for vehicle noise	No dba levels.
Red Deer	Officer discretion for municipal Noise Bylaw	Traffic Safety Act for vehicle noise	No dba levels.
Camrose	Officer discretion for municipal Noise Bylaw	Traffic Safety Act for vehicle noise	No dba levels.
Lacombe	Officer discretion for municipal Noise Bylaw	Traffic Safety Act for vehicle noise	No dba levels
Airdrie	Officer discretion for municipal Noise Bylaw	Traffic Safety Act for vehicle noise	70-80 dba daytime 50-60 dba night time
St.Albert	Officer discretion for municipal Noise Bylaw	Traffic Safety Act for vehicle noise	66-85 dba daytime 50 dba night time
Parkland County	Decibel metres for residential and industrial noise under the Community Standard Bylaw	Traffic Safety Act for vehicle noise	75-85 dba daytime 55 dba daytime
Leduc County	No noise bylaw – Criminal Code by RCMP	Traffic Safety Act for vehicle noise	No dba levels
Westlock	No noise bylaw – Criminal Code	Traffic Safety Act for vehicle noise	No dba levels
Tofield	Officer discretion for municipal Noise Bylaw	Traffic Safety Act for vehicle noise and Noise Bylaw	No dba levels
Edmonton	Officer discretion under the Community Standard Bylaw	Dba for motorcycle noise under the Community Standard Bylaw and Traffic Safety Act for vehicle noise	92-96 dba for motorcycles 65-85 dba daytime 50-60 dba night time

Successes and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw

Report Purpose
To provide Council with a report on the successes and challenges encountered by the City of Edmonton in implementing the motorcycle noise provisions of its Community Standards Bylaw and provide information on the implications of a similar bylaw in Strathcona County that would apply to noise from all motorized vehicles.

Recommendation
N/A

Council History
October 18, 2016 - That October 18, 2016 report, Successes and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw, be referred to Council for debate and decision at the November 29, 2016 Council Meeting.
April 26, 2016 – Council directed that Administration provide a report to Council, by the end of Q3 2016, with information on the successes achieved and challenges encountered by the City of Edmonton in implementation of the motorcycle noise provisions of its Community Standards Bylaw (Bylaw 14600), and provide information on the implications of a similar bylaw in Strathcona County that would apply to noise from all motorized vehicles.
November 29, 2016 – Council directed "That the November 29, 2016 report, Successes and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw, be postponed until the January 17, 2017 Council meeting."

Strategic Plan Priority Areas
Economy: N/A
Governance: N/A
Social: N/A
Culture: N/A
Environment: N/A

Other Impacts
Policy: N/A
Legislative/Legal: The Municipal Government Act, R.S.A. 2000 c. M-26 provides Councils with the authority to pass bylaws for municipal purposes.
Interdepartmental: RCMP and Enforcement Services and Legislative and Legal Services.

Alternative Options: N/A

Summary
Section 61 of the Alberta Traffic Safety Act Vehicle Equipment Regulations, along with Section 82 of the Use of Highway Rules of the Road Regulations, provide the current framework for the enforcement of excessive noise emitted by vehicles in Strathcona County. Enforcement Services researched several metropolitan communities which have enacted and enforced noise bylaws that incorporate a decibel level tolerance. The City of Edmonton enacted the Edmonton Community Standards Bylaw 14600 in June of 2010 with set acceptable decibel levels for motorcycles (Enclosure 1).

Author: Jim Peebles, Manager, RCMP & Enforcement Services
Director(s): Mavis Nathoo, Legislative and Legal Services
Associate Commissioner: Gord Johnston, Community Services Division
Lead Department: RCMP and Enforcement Services

Strathcona County Enforcement Services met with Edmonton Police Service (EPS) to discuss the Community Standards Bylaw and the successes and challenges of its enforcement. Presently, EPS has over 100 officers trained on the sound level meter testing equipment. They have 14 sound level meter kits deployed between each Patrol Division with extra kits in use with the Traffic Division.

The Bylaw is applied through enforcement by EPS officers either as a specifically directed operation, or more often ancillary to a routine traffic stop. Vehicles are only tested if EPS officers observe the vehicles while in operation. According to EPS, officers have issued approximately 600 tickets since the inception of the Bylaw in 2010, or an average of 89 violation tickets per year. The process and general rules followed by EPS are set out below.

Edmonton Police Services Process

- During operations designed specifically to test noise, the motorcycle is pulled over based on noise detected (perception of officer) – minimum 92dB.
- The officer requires that the test be performed at a location where the ambient surrounding noise is less than 82dB, generally requiring that the test be performed at a different (quieter) location.
- For safety reasons, a minimum of two officers are required to perform the testing.
- Testing takes approximately 10 to 20 minutes from start to finish (in addition to the time required to move to an appropriate location).
- The equipment must be tested before each use.

Edmonton Police Services General Rules

- Twin cylinder motorcycle will register 92dB at rest and 96dB at 2000 rpm (enforcement is taken at 94dB and 98dB).
- Sport bikes will register at 96dB at rest and 100 dB at 5000 rpm (enforcement is taken at 98dB and 102 dB).
- The penalty applied for a first time offence, fine is $250.00, if a second offence occurs within one year of a conviction, the subsequent offence is doubled at $500.00.
- Refusal to allow testing results is a $250.00 fine for the first offence and $500.00 for a subsequent offence.
- There are no provisions for EPS officers to remove vehicles from the road, nor are they required to render their motorcycle compliant with the Noise Bylaw. The riders are advised of the increase in fines if caught again.

Success Rate of Prosecutions

According to legal counsel for the City of Edmonton, the initial prosecution success rate when the Bylaw was enacted in 2010 was only 40% to 50%. Since then, the prosecution success rate has risen to nearly 100%. Most violation tickets are now paid, and there is no need to proceed with prosecution. Legal counsel estimates that approximately two motorcycle tickets per month during the summer (10 to 12 per year), proceed to prosecution, with most of these being paid prior to trial. There are less than 4 trials conducted per year.

CITY OF RED DEER

The City of Red Deer is considering amending Part 1 of their Community Standards Bylaw 3383-2007 to include a violation provision for vehicles emitting excessive noise that will include a decibel range within the definition. The study is continuing through their Community Standards Directorate, and they are not certain when they will bring the report forward to Council.

Red Deer submitted a resolution to the Alberta Urban Municipalities Association (2016-B18 attached as Enclosure 2). They are requesting that the Province of Alberta establish a provincial standard with respect to noise produced in connection with a vehicle and define what constitutes an objectionable noise, along with a consistent method of determining and prohibiting the use or operation of a vehicle that emits a noise above an established regulated level.

OTHER MUNICIPALITIES

The other municipalities researched were Calgary and Saskatoon. Excerpts from their bylaws are attached (Enclosure 3 and 4). Calgary has had significant challenges, as the decibel meeting reading system they used was not the same as Edmonton's, and the readings were successfully challenged in court. Saskatoon has not continued with enforcement of their bylaw, as the challenges encountered with the enforcement process have been seen to outweigh any benefits.

USE FOR OTHER VEHICLES

The sound level meter instruments can be used to measure sounds from cars, trucks, ATVs, snowmobiles, and boats. The City of Edmonton only applies decibel level enforcement to motorcycles and property (e.g. stereos, commercial equipment). This is because it can be very difficult to test the noise level emitted by larger and modified vehicles. Access to the exhaust system on larger vehicles can be difficult, making the test extremely time consuming and in some cases, requiring specialized equipment.

PROS to Enactment of a Noise Bylaw Provision

Noise emission offences in Strathcona County are enforced through Provincial Legislation. The sections under the Traffic Safety Act require a subjective interpretation of the noise emanating from offending vehicles. This creates an additional challenge in the legal process as it is dependent upon the officer's ability to convey the accuracy of their judgement to the court to support a conviction. Unlike matters where a scientific reading has been obtained, such as speed, interpretative data is not given a high value regardless of the evidentiary presentation. Enacting a bylaw with a scientific reading (dB level) takes out the subjective evidence required when utilizing the Traffic Safety Act sections. This provides better evidence in court, which in turn would likely result in a higher percentage of conviction rates, as has been the case in Edmonton.

CONS to Enactment of a Noise Bylaw Provision

The equipment required to capture the proper decibel reading is expensive. The sound level meter equipment is currently only available from a U.S. company. Equipment is $3500 per

kit, training is $300 per student, and maintenance is $500 to $600 per year, per kit. Strathcona County would likely require 4 sound level meter testing kits to provide adequate enforcement.

Enforcing a bylaw provision, including a proper test of an offending vehicle, will likely present officers with considerable difficulty and resistance. The perceived road safety return on investment ratio for traffic operations under such a bylaw provision is extremely low. The intricate set up and time requirements to perform the testing present significant challenges for officers and potentially offending drivers. In addition to a possible need to move to an appropriate location for testing, potential offenders are required to wait with enforcement officers for at least thirty minutes while the test is performed and results obtained.

Next Steps

Administration will monitor developments in the provincial legislative framework, including the progress of Red Deer's AUMA Resolution to have the province establish guidelines for controlling operational noise levels of consumer products, equipment and vehicles. A report will be provided to the Priorities Committee on any developments related to this issue.

Enclosure

1 Edmonton Community Standard Bylaw and Traffic Safety Act Sections (Doc #9281478)
2 Red Deer's AUMA Resolution 2016-B18 (Doc #9275729)
3 City of Calgary Noise Bylaw Enforcement (Doc #9280083)
4 City of Saskatoon Noise Bylaw Enforcement (Doc #9278488)
5 PCM Noise Bylaw Presentation 10.18.2016 (Doc #9395693)
6 Enforcement Strategy for Excessive Noise Presentation (Doc # 9396276)

EDMONTON COMMUNITY STANDARD BYLAW

Section 18.1 A person shall not operate a motor cycle that is capable of:

(a) Emitting any sound exceeding 92 dB (A), as measured at 50 centimetres from the exhaust outlet, while the engine is at idle; or

(b) Emitting any sound exceeding 96 dB (a), as measured at 50 centimetres from the exhaust outlet, while the engine is at any speed greater than idle.

(S.4., Bylaw 15442, June 9, 2010)

TRAFFIC SAFETY ACT

Section 61(1) A motor vehicle propelled by an internal combustion engine must have an exhaust muffler that cools and expels the exhaust gases from the engine without excessive noise and without producing flames or sparks.

(2) A person shall not drive or operate a motor vehicle propelled by an internal combustion engine if the exhaust outlet of the muffler has been widened.

(3) A person shall not drive or operate a motor vehicle propelled by an internal combustion engine if a device is attached to the exhaust system or the muffler that increases the noise made by the expulsion of gases from the engine or allows a flame to be ignited from the exhaust system.

(4) This section applies to a power bicycle that is propelled by an internal combustion engine.

Section 13(1) Subject to this Act and the Dangerous Goods Transportation and Handling Act, the council of a municipality may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with this Act, doing the following:

(g) With respect to noise produced in connection with a vehicle,

(i) Defining what constitutes an objectionable noise,

(ii) Establishing a method of determining or measuring noise, and

(iii) Prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;

USE OF HIGHWAY RULES OF THE ROAD REGULATIONS

Section 82 A person shall not create or cause the emission of any loud and unnecessary noise

(a) From a vehicle or any part of it, or

(b) From anything or substance that the vehicle or a part of the vehicle comes into contact with.

AUMA Resolution 2016.B18

City of Red Deer
Noise Attenuation

WHEREAS there are many complaints with regards to noisy vehicles and or/vehicles with modified exhaust systems throughout the province;

WHEREAS the province is responsible for establishing guidelines for controlling operational noise levels of many consumer products, equipment and vehicles;

WHEREAS vehicle noise violations are challenging to enforce due to the subjectivity and discretion of the current provincial law;

NOW THEREFORE BE IT RESOLVED THAT the Alberta Urban Municipalities Association ask the Province of Alberta to establish provincial standards with respect to noise produced in connection with a vehicle, define what constitutes an objectionable noise and establish a consistent method of determining or measuring noise, and prohibiting the use or operation of a vehicle that emits a noise above an established and regulated level.

BACKGROUND:

A number of municipalities across the province are challenged to find a solution to the enforcement of excess vehicle noise in their municipality without the establishment of a local bylaw.

The following are the areas that the Alberta Traffic Safety Act addresses vehicle noise:

Alberta Traffic Safety Act - Use of Highway and Rules of the Road Regulation

Section 82 A person shall not create or cause the emission of any loud and unnecessary noise
(a) from a vehicle or any part of it, or
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Section 87 A person driving a vehicle shall not, during the period of time commencing at 10 p.m. and terminating at the following 7 a.m., drive the vehicle on a highway in a residential area in a manner that unduly disturbs the residents of the residential area.

Section 115 (2) A person shall not do any of the following: (e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway; (f) drive a vehicle so as to perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway.

Alberta Traffic Safety Act - Vehicle Equipment Regulations

Section 61 (I) A motor vehicle propelled by an internal combustion engine must have an exhaust muffler that is cooling and expelling the exhaust gases from the engine without excessive noise and without producing flames or sparks.
(2) A person shall not drive or operate a motor vehicle propelled by an internal combustion engine if the exhaust outlet of the muffler has been widened.

(3) A person shall not drive or operate a motor vehicle propelled by an internal combustion engine if a device is attached to the exhaust system or the muffler that increases the noise made by the expulsion of gases from the engine or allows a flame to be ignited from the exhaust system.

(4) This section applies to a power bicycle that is propelled by an internal combustion engine.

The limitations of these sections of Traffic Safety act is based on the subjectivity of what is considered excessive noise. There are no specific sound measurements included in the Traffic Safety Act that outline what is illegal; this leads to the challenge of enforcement of this portion(s) of the Traffic Safety Act and is based on a subjective interpretation of excessive noise by the officer. Municipalities across the province are attempting to address this concern on an individual basis through municipal bylaws. However the discretionary judgement of what is considered excessive noise is still subjective and has led to many cases being thrown out in the judicial system.

Other pieces of legislation apply but also are challenged in the area of enforcement and/or charges being upheld in the courts:

Community Standards Bylaw 3383/2007 states:
(I) No person shall cause or permit any noise that annoys or disturbs the peace of any other person.
(2) No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person.
(3) No person shall yell, scream, or swear in any public place.
(4) In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:

a) type, volume and duration of the sound;
b) time of day and day of the week;
c) nature and use of the surrounding area.

http://www.reddeer.ca/media/reddeerca/city-government/bylaws/Community-Standards-Bylaw-3383-2007.pdf

Criminal Code of Canada states s. 175. (I) Everyone who (d) disturbs the peace and quiet of the occupants of a dwelling-house by discharging firearms or by other disorderly conduct in a public place or who, not being an occupant of a dwelling-house comprised in a particular building or structure, disturbs the peace and quiet of the occupants of a dwelling-house comprised in the building or structure by discharging firearms or by other disorderly conduct in any part of a building or structure to which, at the time of such conduct, the occupants of two or more dwelling-houses comprised in the building or structure have access as of a right or by invitation, express or implied; is guilty of an offence punishable on summary conviction.

CITY OF CALGARY

In 1997, the City of Calgary amended Section 51.1 of the Calgary Traffic Bylaw, number 26M96, which states that a person must not make, continue, or allow to be made or continued any objectionable noise which is defined as any sound caused by or emanating from a motor vehicle that annoys or disturbs humans or endangers the health and safety of humans and includes:

(i) the squeal of a tire made by a motor vehicle which is accelerating or changing direction,

(ii) a roaring or explosive sound,

(iii) the sound of a radio, stereo, television, or other device or amplification equipment,

(iv) the sound from vehicle-mounted amplification equipment, a bullhorn or other device used to amplify voices, which is continuously made for more than two minutes at the same location,

(v) the sound of a diesel engine bus which has been idling or otherwise running continuously for more than three minutes at the same location except where the diesel engine bus is located within a garage or depot intended for its long term parking, and

(vi) the sound of a motor vehicle security system which is made,

a. for a period exceeding one minute, or

b. more than three times in one 24 hour period, except for the motor vehicle security system's activation status signal,

(vii) noise measured at 96 decibels (dBA) or more as measured by a sound pressure level meter at any point of reception.

This Section of the Traffic Bylaw is punishable by a fine of $270.00 with reductions for early payment of the fine. In 2012, Calgary Police Service (CPS) initiated a pilot project involving the use of a decibel meter reader produced by Street Noise Reduction Systems Ltd. ("snare") of Edmonton. Two of these devices, designed to measure vehicle noise along with ambient noise, were purchased to assist with enforcement of the bylaw. During the first year of the project, CPS used the snare to record 23,193 vehicles. Of those, 15 were found to be too loud. Only one $270 ticket was issued and it was dismissed in court on a procedural issue. CPS terminated the two year pilot project in its second year and severed ties with Street Noise Reduction Systems Ltd. CPS continue to use the snare to record ambient average noise levels and use the Provincial Legislation to charge offenders involved in excessive noise. The use of the snare is not required for court or charges, but provides some additional evidence for the officers to make a decision on charges. During a two week specifically directed operation in the spring of 2016, CPS did not issue any violation tickets.

CITY OF SASKATOON

The City of Saskatoon passed their Noise Bylaw number 8244 in 2003. Section 5.1 of the Bylaw reads as follow:

Without limiting the generality of section 5, for the purpose of regulating motor vehicle noise, the following provisions shall apply:

(a) no person shall operate a motor vehicle in such a manner that it makes, continues, causes to be made or continues or suffers or permits to be made or continued any unreasonably loud or excessive noise;

(b) in determining whether the noise from a motor vehicle is unreasonably loud or excessive, a justice may consider any of the factors mentioned in subsection 5(2); and

(c) no person shall operate a motorcycle within the City of Saskatoon that is capable or emitting any sound exceeding 92 dB(A), as measured by a sound level meter at 50 centimeters from the exhaust outlet while the engine is at idle; or emitting any sound exceeding 96 dB(A), as measured by a sound level meter at 50 centimeters from the exhaust outlet while the engine is at any speed greater than idle.

In speaking with the Saskatoon Police Service (SPS) Traffic Unit, they confirmed SPS currently has access to this testing equipment. SPS advised that although they have the equipment, they were not aware of any officers who typically use it. SPS stated they have never heard of any operations being set up to target noisy vehicles. The testing mechanism and time needed to operate the equipment is a deterrent to its use. Officers opt to use Section 215 of the Saskatchewan Traffic Safety Act in lieu of the Bylaw:

Excessive noise prohibited

Section 215 - No person shall create or cause the emission of any loud and unnecessary noise from a motor vehicle, a part of a motor vehicle or anything or substance that the motor vehicle or a part of the motor vehicle comes into contact with.

SPS only uses decibel level enforcement for motorcycles under Saskatoon Noise Bylaw 8244. Officers with SPS have been performing annual clinics as a Community Policing initiative, testing local motorcycles in the spring. However, according to their Data Management System, they have not written a single bylaw ticket for this offence since 2012. When confronted with a possible violation, the officers always choose to lay the charge under the Provincial Legislation or Section 5.1(a) of their noise Bylaw.

Attachment 4

Enclosure 5

Successes and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw

Priorities Committee Meeting

October 18, 2016

Document: 9395693

STRATHCONA COUNTY

Report Purpose

- Report on the City of Edmonton motorcycle noise provisions
- Provide implications of a similar bylaw in Strathcona County

STRATHCONA COUNTY

Excessive Noise Enforcement

- Section 61 of the Alberta Traffic Safety Act Vehicle Equipment Regulations

  (g) with respect to noise produced in connection with a vehicle,

  (i) defining what constitutes an objectionable noise,

  (ii) establishing a method of determining or measuring noise, and

  (iii) prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;

- Section 82 of the Use of Highway Rules of the Road Regulations
  - A person shall not create or cause the emission of any loud and unnecessary noise

    (a) From a vehicle or any part of it, or

    (b) From anything or substance that the vehicle or a part of the vehicle comes into contact with.

EDMONTON COMMUNITY STANDARDS BYLAW

Section 18.1 - A person shall not operate a motor cycle that is capable of:

(a) Emitting any sound exceeding 92 dB (A), as measured at 50 centimeters from the exhaust outlet, while the engine is at idle; or

(b) Emitting any sound exceeding 96 dB (a), as measured at 50 centimeters from the exhaust outlet, while the engine is at any speed greater than idle.

Edmonton Police Service (EPS)

- 100 officers trained on the sound level meter testing equipment
- 14 plus sound level meter kits deployed
- Vehicles tested if EPS officers observe the vehicles while in operation
- Since Bylaw inception 2010;
  - 600 tickets (Average of 89 violation tickets per year)

Edmonton Police Services Process

During operations designed specifically to test noise;

- Motorcycle pulled over based on perceived noise (minimum of 92dB)
- Testing required at quieter location (less than 82dB)
- For safety reasons, a minimum of two officers are required to perform test
- Testing takes approximately 10 to 20 minutes from start to finish (not including travel time to quieter location)
- The equipment must be tested before each use

Edmonton Police Services General Rules

- Twin cylinder motorcycle;
  - Register 92dB at rest and 96dB at 2000 rpm
  - Enforcement is taken at 94dB and 98dB
- Sport bikes;
  - Register at 96dB at rest and 100 dB at 5000 rpm
  - Enforcement is taken at 98dB and 102dB
- Penalty;
  - First time offence fine is $250
  - Second offence occurs within one year of a conviction, doubled at $500
- Refusal to allow testing;
  - First time offence fine is $250
  - Subsequent offence fine $500

Success Rate of Prosecutions

- According to legal counsel for the City of Edmonton, the initial prosecution success rate when the Bylaw was enacted in 2010 was only 40% to 50%.

- Since then, the prosecution success rate has risen to nearly 100%.
- Most violation tickets are now paid, and there is no need to proceed with prosecution.
- Legal counsel estimates that approximately two motorcycle tickets per month during the summer (10 to 12 per year), proceed to prosecution, with most of these being paid prior to trial.
- There are less than 4 trials conducted per year.

CITY OF RED DEER

- Considering amending Part 1 of their Community Standards Bylaw

- Additional development of the Community Standards has been placed on hold.

- City of Red Deer submitted a resolution to the AUMA (2016-B18)
  - Requesting that the Province of Alberta;
    - Establish a provincial standard
    - Define what constitutes an objectionable noise
    - Define consistent method measuring noise

OTHER MUNICIPALITIES

Calgary

- Faced significant challenges
- Decibel reading system they used was not the same as Edmonton's

Saskatoon

- Challenges encountered with the enforcement process have been seen to outweigh any benefits

USE FOR OTHER VEHICLES

- Sound level meter instruments can measure;
  - Cars
  - Trucks
  - ATVs
  - Snowmobiles
  - Boats

- Access to the exhaust system on larger vehicles can be difficult
  - making the test extremely time consuming
  - some cases requiring specialized equipment

Successes

- Enacting a bylaw with a scientific reading (dB level) takes out the subjective evidence required
- Provides better evidence in court
- Likely result in a higher percentage of conviction rates, as has been the case in Edmonton.

Challenges

- Equipment is expensive
- Equipment is $3500 per kit, training is $300 per student, and maintenance is $500 to $600 per year, per kit
- Strathcona County would likely require 4 sound level meter testing kits to provide adequate enforcement
- Considerable difficulty and resistance
- Perceived road safety return on investment ratio extremely low
- The intricate set up and time requirements to perform the testing present significant challenges for officers and potentially offending drivers

Recommendations

- Monitor developments in the provincial legislative framework with Red Deer's AUMA Resolution to have the province establish guidelines for controlling operational noise levels of consumer products, equipment and vehicles

- Report back Q4 2017

- Continue to use the Alberta Provincial Legislation to charge offending vehicles.

Questions?

STRATHCONA COUNTY

STRATHCONA COUNTY

Attachment 4

Enclosure 6

OPTIONS FOR NEXT STEPS: Enforcement Strategy for Excessive Noise in Strathcona County

Council meeting

January 17, 2017

Document: 9396276

STRATHCONA COUNTY

Options

Enforcement Services recommends four options for Council consideration:

1. Status Quo
2. Status Quo with Education/Prevention program emphasis
3. Three-Phase Enhanced Approach
4. Adopt City of Edmonton approach

STRATHCONA COUNTY

Status Quo

Current process involves:

- Utilizing provincial legislation for enforcement of vehicle violations.

- Utilizing Noise Control Bylaw 66-99 for the enforcement of all other noise violations.

STRATHCONA COUNTY

Status Quo with Education/Prevention Phase

- Enforcement Services will continue using provincial and municipal legislation to enforce noise violations.

- Implement an Education and Prevention Program as defined under the three-phased enhanced approach.

STRATHCONA COUNTY

Three-Phase Enhanced Approach

1. Education/Prevention Phase

- On site education programs and utilizing media for proper messaging.

2. Enforcement Phase

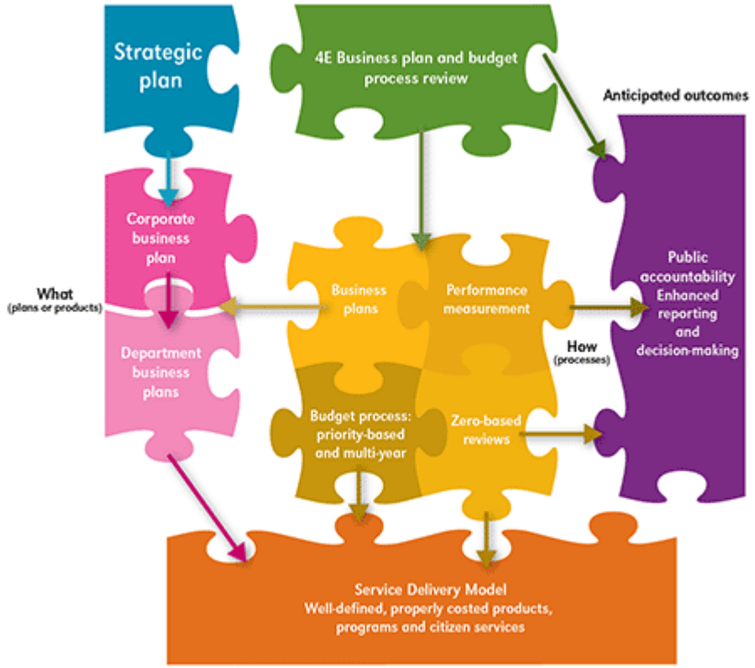
- Using digital decibel readers to enhance enforcement strategies
- Minimal cost of $2,175.56 for purchase of 22 readers.

3. Prosecution Phase

- Enhanced evidence and testimony training for members.

Priority Based Budget Approach

- Supports quartile one program: proactive policing.
- $2,175.56 cost for 22 decibel readers.
- Cost savings of over $20,000 over EPS process.
- Ability to access Provincial Crown instead of external County prosecutor.
- Minimal impact on residents during testing.



STRATHCONA COUNTY

Adopt Edmonton's Program

- Restructure Bylaw 66-99 with the addition of set decibel level tolerances for noise in Strathcona County.

- Additional costs of $25,000 for equipment

And training.

STRATHCONA COUNTY

Questions?

STRATHCONA COUNTY

STRATHCONA COUNTY

Priorities Committee Meeting_Oct18_2016

STRATEGIC INITIATIVE AND UPDATE

Successes and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw

Report Purpose
To provide Priorities Committee with a report on the successes and challenges encountered by the City of Edmonton in implementing the motorcycle noise provisions of its Community Standards Bylaw and provide information on the implications of a similar bylaw in Strathcona County that would apply to noise from all motorized vehicles.

Council History
April 26, 2016 – Council directed that Administration provide a report to Council, by the end of Q3 2016, with information on the successes achieved and challenges encountered by the City of Edmonton in implementation of the motorcycle noise provisions of its Community Standards Bylaw (Bylaw 14600), and provide information on the implications of a similar bylaw in Strathcona County that would apply to noise from all motorized vehicles.

Strategic Plan Priority Areas
Economy: N/A
Governance: N/A
Social: N/A
Culture: N/A
Environment: N/A

Other Impacts
Policy: N/A
Legislative/Legal: The Municipal Government Act, R.S.A. 2000 c. M-26 provides Councils with the authority to pass bylaws for municipal purposes.
Interdepartmental: Enforcement Services and Legislative and Legal Services.

Summary
Section 61 of the Alberta Traffic Safety Act Vehicle Equipment Regulations, along with Section 82 of the Use of Highway, Rules of the Road Regulations, provide the current framework for the enforcement of excessive noise emitted by vehicles in Strathcona County. Enforcement Services researched several metropolitan communities which have enacted and enforced noise bylaws that incorporate a decibel level tolerance. The City of Edmonton enacted the Edmonton Community Standards Bylaw 14600 in June of 2010 with set acceptable decibel levels for motorcycles (Enclosure 1).

Strathcona County Enforcement Services met with Edmonton Police Service (EPS) to discuss the Community Standards Bylaw and the successes and challenges of its enforcement. Presently, EPS has over 100 officers trained on the sound level meter testing equipment. They have 14 sound level meter kits deployed between each Patrol Division with extra kits in use with the Traffic Division.

The Bylaw is applied through enforcement by EPS officers either as a specifically directed operation, or more often ancillary to a routine traffic stop. Vehicles are only tested if EPS officers observe the vehicles while in operation.

According to EPS, officers have issued approximately 600 tickets since the inception of the Bylaw in 2010, or an average of 89 violation tickets per year. The process and general rules followed by EPS are set out below.

Edmonton Police Services Process

- During operations designed specifically to test noise, the motorcycle is pulled over based on noise detected (perception of officer) – minimum 92dB.
- The officer requires that the test be performed at a location where the ambient surrounding noise is less than 82dB, generally requiring that the test be performed at a different (quieter) location.
- For safety reasons, a minimum of two officers are required to perform the testing.
- Testing takes approximately 10 to 20 minutes from start to finish (in addition to the time required to move to an appropriate location).
- The equipment must be tested before each use.

Edmonton Police Services General Rules

- Twin cylinder motorcycle will register 92dB at rest and 96dB at 2000 rpm (enforcement is taken at 94dB and 98dB)
- Sport bikes will register at 96dB at rest and 100 dB at 5000 rpm (enforcement is taken at 98dB and 102 dB)
- The penalty applied for a first time offence, fine is $250.00, if a second offence occurs within one year of a conviction, the subsequent offence is doubled at $500.00.
- Refusal to allow testing results is a $250.00 fine for the first offence and $500.00 for a subsequent offence.
- There are no provisions for EPS officers to remove vehicles from the road, nor are they required to render their motorcycle compliant with the Noise Bylaw. The riders are advised of the increase in fines if caught again.

Success Rate of Prosecutions

According to legal counsel for the City of Edmonton, the initial prosecution success rate when the Bylaw was enacted in 2010 was only 40% to 50%. Since then, the prosecution success rate has risen to nearly 100%. Most violation tickets are now paid, and there is no need to proceed with prosecution. Legal counsel estimates that approximately two motorcycle tickets per month during the summer (10 to 12 per year), proceed to prosecution, with most of these being paid prior to trial. There are less than 4 trials conducted per year.

City of Red Deer

The City of Red Deer is considering amending Part 1 of their Community Standards Bylaw 3383-2007 to include a violation provision for vehicles emitting excessive noise that will include a decibel range within the definition. The study is continuing through their Community Standards Directorate, and they are not certain when they will bring the report forward to Council.

Red Deer submitted a resolution to the Alberta Urban Municipalities Association (2016-B18 attached as Enclosure 2). They are requesting that the Province of Alberta establish a provincial standard with respect to noise produced in connection with a vehicle and define what constitutes an objectionable noise, along with a consistent method of determining and

prohibiting the use or operation of a vehicle that emits a noise above an established regulated level.

Other Municipalities

The other municipalities researched were Calgary and Saskatoon. Excerpts from their bylaws are attached (Enclosure 3 and 4). Calgary has had significant challenges, as the decibel meeting reading system they used was not the same as Edmonton's, and the readings were successfully challenged in court. Saskatoon has not continued with enforcement of their bylaw, as the challenges encountered with the enforcement process have been seen to outweigh any benefits.

Use for Other Vehicles

The sound level meter instruments can be used to measure sounds from cars, trucks, ATVs, snowmobiles, and boats. The City of Edmonton only applies decibel level enforcement to motorcycles and property (e.g., stereos, commercial equipment). This is because it can be very difficult to test the noise level emitted by larger and modified vehicles. Access to the exhaust system on larger vehicles can be difficult, making the test extremely time consuming and in some cases, requiring specialized equipment.

PROS to Enactment of a Noise Bylaw Provision

Noise emission offences in Strathcona County are enforced through Provincial Legislation. The sections under the Traffic Safety Act require a subjective interpretation of the noise emanating from offending vehicles. This creates an additional challenge in the legal process as it is dependent upon the officer's ability to convey the accuracy of their judgement to the court to support a conviction. Unlike matters where a scientific reading has been obtained, such as speed, interpretative data is not given a high value regardless of the evidentiary presentation. Enacting a bylaw with a scientific reading (dB level) takes out the subjective evidence required when utilizing the Traffic Safety Act sections. This provides better evidence in court, which in turn would likely result in a higher percentage of conviction rates, as has been the case in Edmonton.

CONS to Enactment of a Noise Bylaw Provision

The equipment required to capture the proper decibel reading is expensive. The sound level meter equipment is currently only available from a U.S. company. Equipment is $3500 per kit, training is $300 per student, and maintenance is $500 to $600 per year, per kit. Strathcona County would likely require 4 sound level meter testing kits to provide adequate enforcement.

Enforcing a bylaw provision, including a proper test of an offending vehicle, will likely present officers with considerable difficulty and resistance. The perceived road safety return on investment ratio for traffic operations under such a bylaw provision is extremely low. The intricate set up and time requirements to perform the testing present significant challenges for officers and potentially offending drivers. In addition to a possible need to move to an appropriate location for testing, potential offenders are required to wait with enforcement officers for at least thirty minutes while the test is performed and results obtained.

Next Steps

Administration will monitor developments in the provincial legislative framework, including the progress of Red Deer's AUMA Resolution to have the province establish guidelines for controlling operational noise levels of consumer products, equipment and vehicles. A report will be provided to the Priorities Committee on any developments related to this issue.

Enclosure

1. Edmonton Community Standard Bylaw and Traffic Safety Act Sections (Document: 9281478).
2. Red Deer's AUMA Resolution 2016-B18 (Document: 9275729).
3. City of Calgary Noise Bylaw Enforcement (Document: 9280083).
4. City of Saskatoon Noise Bylaw Enforcement (Document: 9278488).

EDMONTON COMMUNITY STANDARD BYLAW

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(a) Emitting any sound exceeding 92 dB (A), as measured at 50 centimetres from the exhaust outlet, while the engine is at idle; or

(b) Emitting any sound exceeding 96 dB (a), as measured at 50 centimetres from the exhaust outlet, while the engine is at any speed greater than idle.

(S.4., Bylaw 15442, June 9, 2010)

TRAFFIC SAFETY ACT

Section 61(1) A motor vehicle propelled by an internal combustion engine must have an exhaust muffler that cools and expels the exhaust gases from the engine without excessive noise and without producing flames or sparks.

(2) A person shall not drive or operate a motor vehicle propelled by an internal combustion engine if the exhaust outlet of the muffler has been widened.

(3) A person shall not drive or operate a motor vehicle propelled by an internal combustion engine if a device is attached to the exhaust system or the muffler that increases the noise made by the expulsion of gases from the engine or allows a flame to be ignited from the exhaust system.

(4) This section applies to a power bicycle that is propelled by an internal combustion engine.

Section 13(1) Subject to this Act and the Dangerous Goods Transportation and Handling Act, the council of a municipality may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with this Act, doing the following:

(g) With respect to noise produced in connection with a vehicle,

(i) Defining what constitutes an objectionable noise,

(ii) Establishing a method of determining or measuring noise, and

(iii) Prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;

USE OF HIGHWAY RULES OF THE ROAD REGULATIONS

Section 82 A person shall not create or cause the emission of any loud and unnecessary noise

(a) From a vehicle or any part of it, or

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AUMA Resolution 2016.B18

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BACKGROUND:

A number of municipalities across the province are challenged to find a solution to the enforcement of excess vehicle noise in their municipality without the establishment of a local bylaw.

The following are the areas that the Alberta Traffic Safety Act addresses vehicle noise:

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(a) from a vehicle or any part of it, or
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Section 87 A person driving a vehicle shall not, during the period of time commencing at 10 p.m. and terminating at the following 7 a.m., drive the vehicle on a highway in a residential area in a manner that unduly disturbs the residents of the residential area.

Section 115 (2) A person shall not do any of the following: (e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway; (f) drive a vehicle so as to perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway.

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Other pieces of legislation apply but also are challenged in the area of enforcement and/or charges being upheld in the courts:

Community Standards Bylaw 3383/2007 states:

(I) No person shall cause or permit any noise that annoys or disturbs the peace of any other person.

(2) No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person.

(3) No person shall yell, scream, or swear in any public place.

(4) In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:

a) type, volume and duration of the sound;
b) time of day and day of the week;
c) nature and use of the surrounding area.

http://www.reddeer.ca/media/reddeerca/city-government/bylaws/Community-Standards-Bylaw-3383-2007.pdf

Criminal Code of Canada states s. 175. (I) Everyone who (d) disturbs the peace and quiet of the occupants of a dwelling-house by discharging firearms or by other disorderly conduct in a public place or who, not being an occupant of a dwelling-house comprised in a particular building or structure, disturbs the peace and quiet of the occupants of a dwelling-house comprised in the building or structure by discharging firearms or by other disorderly conduct in any part of a building or structure to which, at the time of such conduct, the occupants of two or more dwelling-houses comprised in the building or structure have access as of a right or by invitation, express or implied; is guilty of an offence punishable on summary conviction.

CITY OF CALGARY

In 1997, the City of Calgary amended Section 51.1 of the Calgary Traffic Bylaw, number 26M96, which states that a person must not make, continue, or allow to be made or continued any objectionable noise which is defined as any sound caused by or emanating from a motor vehicle that annoys or disturbs humans or endangers the health and safety of humans and includes:

(i) the squeal of a tire made by a motor vehicle which is accelerating or changing direction,

(ii) a roaring or explosive sound,

(iii) the sound of a radio, stereo, television, or other device or amplification equipment,

(iv) the sound from vehicle-mounted amplification equipment, a bullhorn or other device used to amplify voices, which is continuously made for more than two minutes at the same location,

(v) the sound of a diesel engine bus which has been idling or otherwise running continuously for more than three minutes at the same location except where the diesel engine bus is located within a garage or depot intended for its long term parking, and

(vi) the sound of a motor vehicle security system which is made,

a. for a period exceeding one minute, or

b. more than three times in one 24 hour period, except for the motor vehicle security system's activation status signal,

(vii) noise measured at 96 decibels (dBA) or more as measured by a sound pressure level meter at any point of reception.

This Section of the Traffic Bylaw is punishable by a fine of $270.00 with reductions for early payment of the fine. In 2012, Calgary Police Service (CPS) initiated a pilot project involving the use of a decibel meter reader produced by Street Noise Reduction Systems Ltd. ("snare") of Edmonton. Two of these devices, designed to measure vehicle noise along with ambient noise, were purchased to assist with enforcement of the bylaw. During the first year of the project, CPS used the snare to record 23,193 vehicles. Of those, 15 were found to be too loud. Only one $270 ticket was issued and it was dismissed in court on a procedural issue. CPS terminated the two year pilot project in its second year and severed ties with Street Noise Reduction Systems Ltd. CPS continue to use the snare to record ambient average noise levels and use the Provincial Legislation to charge offenders involved in excessive noise. The use of the snare is not required for court or charges, but provides some additional evidence for the officers to make a decision on charges. During a two week specifically directed operation in the spring of 2016, CPS did not issue any violation tickets.

CITY OF SASKATOON

The City of Saskatoon passed their Noise Bylaw number 8244 in 2003. Section 5.1 of the Bylaw reads as follow:

Without limiting the generality of section 5, for the purpose of regulating motor vehicle noise, the following provisions shall apply:

(a) no person shall operate a motor vehicle in such a manner that it makes, continues, causes to be made or continues or suffers or permits to be made or continued any unreasonably loud or excessive noise;

(b) in determining whether the noise from a motor vehicle is unreasonably loud or excessive, a justice may consider any of the factors mentioned in subsection 5(2); and

(c) no person shall operate a motorcycle within the City of Saskatoon that is capable or emitting any sound exceeding 92 dB(A), as measured by a sound level meter at 50 centimeters from the exhaust outlet while the engine is at idle; or emitting any sound exceeding 96 dB(A), as measured by a sound level meter at 50 centimeters from the exhaust outlet while the engine is at any speed greater than idle.

In speaking with the Saskatoon Police Service (SPS) Traffic Unit, they confirmed SPS currently has access to this testing equipment. SPS advised that although they have the equipment, they were not aware of any officers who typically use it. SPS stated they have never heard of any operations being set up to target noisy vehicles. The testing mechanism and time needed to operate the equipment is a deterrent to its use. Officers opt to use Section 215 of the Saskatchewan Traffic Safety Act in lieu of the Bylaw:

Excessive noise prohibited

Section 215 - No person shall create or cause the emission of any loud and unnecessary noise from a motor vehicle, a part of a motor vehicle or anything or substance that the motor vehicle or a part of the motor vehicle comes into contact with.

SPS only uses decibel level enforcement for motorcycles under Saskatoon Noise Bylaw 8244. Officers with SPS have been performing annual clinics as a Community Policing initiative, testing local motorcycles in the spring. However, according to their Data Management System, they have not written a single bylaw ticket for this offence since 2012. When confronted with a possible violation, the officers always choose to lay the charge under the Provincial Legislation or Section 5.1(a) of their noise Bylaw.

Attachment 5

Enclosure __

Successes and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw

Priorities Committee Meeting

October 18, 2016

Document: 9300296

STRATHCONA COUNTY

Report Purpose

- Report on the City of Edmonton motorcycle noise provisions
- Provide implications of a similar bylaw in Strathcona County

STRATHCONA COUNTY

Excessive Noise Enforcement

- Section 61 of the Alberta Traffic Safety Act Vehicle Equipment Regulations

  (g) with respect to noise produced in connection with a vehicle,

  (i) defining what constitutes an objectionable noise,

  (ii) establishing a method of determining or measuring noise, and

  (iii) prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;

- Section 82 of the Use of Highway Rules of the Road Regulations
  - A person shall not create or cause the emission of any loud and unnecessary noise

    (a) From a vehicle or any part of it, or

    (b) From anything or substance that the vehicle or a part of the vehicle comes into contact with.

EDMONTON COMMUNITY STANDARD BYLAW

- **Section 18.1** A person shall not operate a motor cycle that is capable of:
  - **(a)** Emitting any sound exceeding 92 dB (A), as measured at 50
  - centimetres from the exhaust outlet, while the engine is at
  - idle; or
  - **(b)** Emitting any sound exceeding 96 dB (a), as measured at 50
  - centimetres from the exhaust outlet, while the engine is at
- any speed greater than idle.

Edmonton Police Service (EPS)

- 100 officers trained on the sound level meter testing equipment
- 14 plus sound level meter kits deployed
- Vehicles tested if EPS officers observe the vehicles while in operation
- Since Bylaw inception 2010;
  - 600 tickets (Average of 89 violation tickets per year)

Edmonton Police Services Process

During operations designed specifically to test noise;

- Motorcycle pulled over based on perceived noise (minimum of 92dB)
- Testing required at quieter location (less than 82dB)
- For safety reasons, a minimum of two officers are required to perform test
- Testing takes approximately 10 to 20 minutes from start to finish (not including travel time to quieter location)
- The equipment must be tested before each use

Edmonton Police Services General Rules

- Twin cylinder motorcycle;
  - Register 92dB at rest and 96dB at 2000 rpm
  - Enforcement is taken at 94dB and 98dB
- Sport bikes;
  - Register at 96dB at rest and 100 dB at 5000 rpm
  - Enforcement is taken at 98dB and 102dB

- Penalty;
  - First time offence fine is $250
  - Second offence occurs within one year of a conviction, doubled at $500
- Refusal to allow testing;
  - First time offence fine is $250
  - Subsequent offence fine $500

Success Rate of Prosecutions

- According to legal counsel for the City of Edmonton, the initial prosecution success rate when the Bylaw was enacted in 2010 was only 40% to 50%.

- Since then, the prosecution success rate has risen to nearly 100%.
- Most violation tickets are now paid, and there is no need to proceed with prosecution.
- Legal counsel estimates that approximately two motorcycle tickets per month during the summer (10 to 12 per year), proceed to prosecution, with most of these being paid prior to trial.
- There are less than 4 trials conducted per year.

CITY OF RED DEER

- Considering amending Part 1 of their Community Standards Bylaw

- Additional development of the Community Standard has been placed on hold.

- City of Red Deer submitted a resolution to the AUMA (2016-B18)
  - Requesting that the Province of Alberta;
    - Establish a provincial standard
    - Define what constitutes an objectionable noise
    - Define consistent method measuring noise

OTHER MUNICIPALITIES

Calgary

- Faced significant challenges
- Decibel reading system they used was not the same as Edmonton's

Saskatoon

- Challenges encountered with the enforcement process have been seen to outweigh any benefits

USE FOR OTHER VEHICLES

- Sound level meter instruments can measure;
  - Cars
  - Trucks
  - ATVs
  - Snowmobiles
  - Boats

- Access to the exhaust system on larger vehicles can be difficult
  - making the test extremely time consuming
  - some cases requiring specialized equipment

Successes

- Enacting a bylaw with a scientific reading (dB level) takes out the subjective evidence required

- Provides better evidence in court

- Likely result in a higher percentage of conviction rates, as has been the case in Edmonton.

Challenges

- Equipment is expensive
- Equipment is $3500 per kit, training is $300 per student, and maintenance is $500 to $600 per year, per kit
- Strathcona County would likely require 4 sound level meter testing kits to provide adequate enforcement
- Considerable difficulty and resistance
- Perceived road safety return on investment ratio extremely low
- The intricate set up and time requirements to perform the testing present significant challenges for officers and potentially offending drivers

Recommendations

- Monitor developments in the provincial legislative framework with Red Deer's AUMA Resolution to have the province establish guidelines for controlling operational noise levels of consumer products, equipment and vehicles

- Report back Q4 2017

- Continue to use the Alberta Provincial Legislation to charge offending vehicles.

Questions?

STRATHCONA COUNTY