

Priorities Committee Meeting_Oct06_2020

STRATEGIC INITIATIVE AND UPDATE**Report on Excessive Vehicle Noise****Report Purpose**

To provide Priorities Committee with a report on excessive vehicle noise that includes examples of approaches taken by other municipalities as well as information on the feasibility of each option for Strathcona County.

Our Prioritized Strategic Goals

Goal 8 - Foster an environment for safe communities

Report

The following is a summary of noise complaints received by Enforcement Services/RCMP:

| Noise Complaints | | | |
|--|------------|------------|------------|
| | 2018 | 2019 | 2020 |
| Music | 45 | 59 | 63 |
| Vehicle | 22 | 37 | 44 |
| Party | 18 | 21 | 20 |
| Construction | 34 | 33 | 26 |
| Other - includes firearms, shouting, fireworks, kids playing, unfounded etc. | 33 | 34 | 34 |
| Total | 152 | 184 | 187 |

So far this year, six tickets have been issued, 65 warnings and 187 noise bylaw case reports have been completed.

Excessive vehicle noise complaints, while on the rise, have seen an average of only 34 violations per year being issued over the past three years. When a Community Peace Officer (CPO) does encounter a loud vehicle they are able to use the following legislation for issuing a violation:

- Section 61 of the Alberta Traffic Safety Act Vehicle Equipment Regulations
- Section 82 of the Use of Highway Rules of the Road Regulations
- Strathcona County Noise Control Bylaw 66-99, Section 3.1(b)

It is important to note that the limitations of the above are based on the subjectivity of what is considered excessive noise. There are no specific sound measurements included in the Traffic Safety Act, Use of Highway Rules of the Road or the County's bylaw that outline what is illegal; this leads to the challenge of enforcement based on a subjective interpretation of excessive noise by the officer. As the discretionary judgement of what is considered excessive noise is subjective, it has led to many cases being thrown out in the judicial system.

Enforcement Services performed a scan of other municipalities' approaches towards excessive vehicle noise complaints in their communities including the following:

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- Edmonton
- St Albert
- Parkland County
- Red Deer
- Grande Prairie

Our scan was not able to identify any noise test level, or noise measurement procedure, that works for determining an objectionable noise for all motor vehicles, at all engine RPM, vehicle speeds, or vehicle loadings. The only current bylaw for enforcing excessive vehicle noise using decibel reading equipment we found is the City of Edmonton's Noise Bylaw – 15442 Section 18.1 dedicated to motorcycles. The feedback we received on the bylaw is that it is expensive when considering the initial purchase of the equipment, staff training and the ongoing maintenance which includes regular calibration of the equipment. The bylaw is also very time consuming due to the resources required when enforcing it.

Our scan also looked at the City of Edmonton's Office of Traffic Safety's Automated Noise Enforcement Project. This project involves the use of automated technologies, including cameras, as well as a human presence with the noise-monitoring devices. It is currently gathering data and evaluating equipment.

Next Steps

To find potential solutions to any issues in this regard, over the course of the next year, Enforcement Services plans to take the following steps:

- As part of the Community Standards Bylaw Review work a review of the County's Noise Bylaw 66-99 with the potential of restructuring it with the addition of set decibel level tolerances for vehicle noise in Strathcona County.
- Investigate the requirements and costs of developing an education, awareness and prevention program on excessive vehicle noise to be delivered in spring/summer 2021. Any significant additional costs in this regard will be brought forward to Council for review.
- Investigate the potential of holding clinics to test vehicle sound levels using digital decibel readers to educate, inform, and enhance enforcement strategies
- Engage our regional partners to discuss regional approaches for addressing excessive vehicle noise.
- Initiate a dialogue with the province on establishing provincial standards for what constitutes an objectional noise level from vehicles and an established method for determining or measuring noise.

Council and Committee History

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| May 26, 2020 | Council approved "THAT by the end of Quarter 3 2020, Administration provide a report on options for regulating excessive vehicle noise, and that the report include examples of approaches taken by other municipalities as well as information on the feasibility of the approach." |
| November 27, 2018 | Council received an update to Policy SER-009-027 Traffic Noise Bylaw. |

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- January 17, 2017 Council received 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.
- 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."
- 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.

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.**Master Plan/Framework:** N/A**Enclosure(s)**

- 1 Strathcona County Enforcement Services 2020 Excessive Vehicle Noise Review
- 2 Presentation on Excessive Vehicle Noise