



**REPORT TO THE ELECTORAL AREA SERVICES COMMITTEE
MEETING OF WEDNESDAY, JUNE 20, 2012**

SUBJECT ELECTORAL AREA ABATEMENT AND CONTROL OF NOISE BYLAWS

PURPOSE

To review and discuss current Electoral Area Noise bylaws to ensure they meet public expectations.

BACKGROUND

The current Noise bylaws for the Southern Gulf Islands (Bylaw No. 3378) and Salt Spring Island (Bylaw No. 3384) were adopted in 2006. The current Noise Bylaw for the Juan de Fuca (Bylaw No. 3441) was adopted in 2007).

There has been some recent discussion about including decibel readings in these bylaws. Due to this, staff researched bylaws from other jurisdictions in British Columbia, and gathered input from a number of bylaw enforcement agencies regarding the use of decibel readers. The consensus was that there is some value in having decibel readers for use in densely populated areas. Having a set reading limit can also eliminate frivolous complaints. Conversely, some noises of a continuous nature may still be a valid annoyance but below the set decibel reading for an offence. Individuals who have been charged with an offence could conduct their own "investigation" with an inexpensive over the counter decibel reader and create a reasonable doubt leading to dismissal of a Municipal Ticket Information.

ALTERNATIVES

1. Leave existing Electoral Area Abatement and Control of Noise bylaws as they are.
2. Include a section to the Electoral Area Abatement and Control of Noise bylaws that has a maximum allowable decibel reading.

FINANCIAL IMPLICATIONS

A decibel reader that meets the standards for court purposes would cost \$1500. We would require at least two of these instruments. The instruments would need to be serviced and calibrated every year at a cost of \$150 per unit not including shipping charges. Operators would need to be trained in Vancouver at a cost of \$4,000 for up to eight participants. Training would be required for any new staff and instruments would need to be repaired and/or replaced as necessary. Staff would have to be paid overtime to take readings outside of normal working hours.

LEGAL IMPLICATIONS

Municipal Tickets could be dismissed with reasonable doubt evidence if the defendant had contradictory readings with his/her own decibel reader. Valid and legitimate continuous noise complaints could be negated due to low decibel readings. Background noise could affect the validity of decibel readings.

Bylaw officers may become overly dependent on this instrument rather than using other reliable and proven investigative techniques. This includes corroborative evidence provided by multiple witnesses, personal observation and listening, or noise logs completed by complainants.

CONCLUSIONS

The cost of purchasing, servicing, repairing or replacing decibel readers, training and overtime would not justify their limited use.

The Noise Abatement and Control bylaws for the Electoral Area do not require amending.

RECOMMENDATION

That the Electoral Area Services committee leave the Noise Abatement and Control Bylaw for the Electoral Areas of Salt Spring Island, Southern Gulf Islands and Juan de Fuca as status quo.

****ORIGINAL SIGNED****

Don Brown
Chief Bylaw Officer

Robert Lapham, MCIP
General Manager Planning & Protective Services
Concurrence

Kelly Daniels
Chief Administrative Officer
Concurrence