



To: Community Safety Committee

Date: October 2, 2015

From: Doug Long
City Solicitor

File: 12-8060-01/2015-Vol
01

Re: Noise Bylaw Administration Matters and Housekeeping Amendments

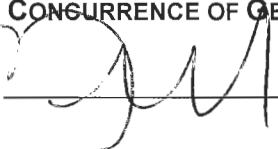

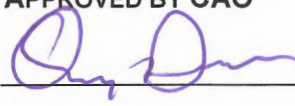
Staff Recommendation

1. That the staff report titled Noise Bylaw Administration Matters and Housekeeping Amendments dated September 29, 2015, from the City Solicitor be received for information;
2. That Noise Regulation Bylaw No. 8856, Amendment Bylaw No. 9486, be introduced and given first, second and third readings



Doug Long
City Solicitor
(604-276-4339)

Att. 2

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Engineering RCMP Building Approvals	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS:	APPROVED BY CAO
		

Staff Report

Origin

At the July 27, 2015 Council meeting, staff were directed to follow up with Vancouver Coastal Health (VCH) with regard to their procedures and responsiveness to noise complaints.

As part of the City's ongoing commitment for improved customer service, staff has reviewed this matter and recommended amendments to the Noise Regulation Bylaw No. 8856. These amendments will provide clarity contributing to the general public's understanding of the City's noise bylaw.

This report supports Council's 2014-2018 Term Goal #1 A Safe Community:

Maintain emphasis on community safety to ensure Richmond continues to be a safe community.

Analysis

The following departments, partnerships and key stakeholders are involved in maintaining the City of Richmond's Noise Regulation Bylaw No. 8856:

Vancouver Coastal Health

Vancouver Coastal Health administers and enforces the noise control provisions of the City's Noise Regulation Bylaw No. 8856 under a service agreement. Complaints are addressed in partnership and consultation with City Departments that are involved with noise related matters.

Complaints are received through the City of Richmond's online Feedback Form, by telephone, by email and in person. Vancouver Coastal Health maintains records of all noise related service requests and provides these records to the City in the form of annual statistics.

VCH response activities involve:

- Responding to complaints and enquiries from the public
- Providing information
- Conducting site inspections
- Taking sound readings
- Issuing verbal or written orders
- Coordinating Bylaw enforcement follow-up with City staff
- Following up on house alarm complaints
- Collaborating with City staff regarding the issuance of variances to the bylaw
- Conducting noise surveys at the request of City staff

Administrative functions entail:

- Reviewing and commenting on proposed industrial projects within the City related to potential noise implications
- Reviewing and commenting on City building plans and development permit applications
- Drafting reports
- Maintaining sound measuring equipment and records
- Ensuring on-going staff training and knowledge on current emerging noise issues

The following table captures primary statistics, from annual reports regarding noise statistics, provided by Vancouver Coastal Health for 2013 and 2014.

Vancouver Coastal Health Summary of Noise Activities		
Noise Category	2013	2014
Alarm	8	1
Construction	130	116
Industrial	3	6
Mechanical	30	33
Miscellaneous	17	28
Neighbourhood	24	8
Party/Music	8	20
Traffic	14	7
Total	234	219

Health Protection staff response is generally restricted to business hours Monday to Friday from 8:00a.m. to 4:30p.m.. During that time period, non-urgent complaints are responded to within one working day and urgent complaints are addressed within four hours. In instances where Vancouver Coastal Health has been advised of noise complaints after the activity has occurred, staff would follow up by contacting the property owner or contact person of the noise source. The violator would then be informed of the requirements under the noise bylaw and of their obligation to meet those requirements from that point forward.

Requests for responses from VCH, outside of business hours, are considered under extenuating circumstances, on a case-to-case basis, with the final decision determined at the management level.

Engineering Department

For exemptions to the City's noise bylaw the Engineering Department administers permits for circumstances where activity will exceed allowable sound levels. Noise permit exemptions are primarily issued for construction activity. The Department processed 50 permits in 2013 and 62 permits in 2014.

The RCMP

RCMP dispatch (E-Comm) receives all complaints for the City between 5 p.m. to 8:15 a.m. Monday to Friday, and on the weekends and on holidays. Depending upon the availability, a bylaw officer or police officer is dispatched to these complaints as appropriate. In 2013 and 2014, the RCMP attended respectively 1034 and 1063 noise complaints.

Community Bylaws

Daytime complaints, between 8:15 a.m. and 5 p.m., are received at both the Community Bylaw Call Centre and Vancouver Coastal Health. In 2013 Community Bylaws forwarded 97 construction noise complaints to Vancouver Coastal Health and 81 in 2014. Bylaw officers also responded to 109 dog barking complaints in 2013 and 98 dog barking complaints and seven noise complaints in 2014.

General Public

The General Public is a key contributor to monitoring noise violations in the City by reporting activities through one of the following methods:

- Telephone Community Bylaws 604-276-4345
- Email communitybylaws@richmond.ca
- Online through the Customer Feedback System www.richmond.ca
- Telephone Vancouver Coastal Health 604-233-3147
- Email healthprotectionrh@vch.ca

Review of Noise Complaint Procedures

Staff's overall review of service delivery in relation to the City's responsiveness to noise complaints indicates that procedures are sound and effective in most cases. As with most processes there is always room for improvement and as such two items were identified for consideration:

Item 1

Expand Vancouver Coastal Health's availability on weekends and statutory holidays with evening coverage by the RCMP.

Currently Richmond's Vancouver Coastal Health's Environmental Health office is staffed 8:00a.m. to 4:30 p.m. Monday through Friday. Any work outside those hours would be at overtime rates and Vancouver Coastal Health staff, as per the collective agreement, would have to agree to the assignment of the additional shifts. In addition, there would be further costs associated with maintaining VCH office space over weekends. It is estimated that this enhancement would cost the City an additional \$100,000 on top of the current contract of \$221,557.

Item 1 was not recommended by staff as the current processes involving the Vancouver Coastal Health, RCMP, Community Bylaws and the general public have addressed concerns and did so in a cost efficient manner when compared to this alternative.

Item 2

Review the Noise Regulation Bylaw No. 8856 and adopt amendments that would provide clarity to the bylaw and the general public's understanding of the City's noise regulations.

In reviewing the Bylaw staff identified several clauses that if amended would assist the public by simplifying the language and enhance the current program that is in place at no extra cost.

(Attachment #1)


As a result of this analysis staff has reviewed the Noise Regulation Bylaw and recommend a number of changes that, if adopted, clarify the bylaw. **(Attachment #2)**

Financial Impact

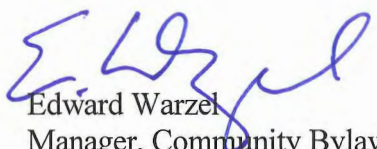
None

Conclusion

The amendments in the proposed bylaw would assist by further enhancing responsiveness, procedures, and processes currently being used to manage service delivery of the Noise Regulation Bylaw No. 8856 in Richmond. The changes also address the City's commitment to improve customer service by providing clarity which also contributes to the public's understanding of its bylaws.



Doug Long
City Solicitor
(604-276-4339)



Edward Warzel
Manager, Community Bylaws
(604-247-4601)

DL:mw

- Att. 1: Housekeeping Revisions to Noise Regulations Bylaw
- 2: Noise Regulation Bylaw No. 8856, Amendment bylaw No. 9486

Housekeeping Revisions to Noise Regulation Bylaw

Staff recommend the following housekeeping revisions to the Noise Regulation Bylaw for the following reasons:

- **Section 2.7.1** – the Bylaw currently permits the inspector to enter property to determine if there has been compliance with Part 2 of the Bylaw. As an inspector may need to enter property to determine if there is compliance with other parts of the Bylaw (in addition to Part 2), the specific reference to Part 2 has been deleted;
- **Section 3.1.2** – the addition of the phrase, “in the determination of the **inspector**” changes the test if a sound can be practically measured from an objective test to a subjective test. The result being that if the inspector determines that a sound cannot be practically measured, then the City is in a better position to make use of section 3 which, without measurement, generally prohibits noises that disturbs a neighbourhood;
- **Section 3.2.1 (a)** – the amendments increase the scope of this “Prohibited Types of Noise” by expanding the section from sounds made only by barking or howling dogs sounds to sounds made by other animals;
- **Section 3.2.1(b)** – removal of the phrase “in good working order” when referring to an “effective exhaust muffling system” removes redundancy and uncertainty which increases the enforceability of this section;
- **Section 3.2.1 (g)** – the addition of this section makes it clear that sound caused by lawn and garden equipment is only permitted during the times and days set-out in section 4.1.1 (l) by making the sound caused by the use of lawn and garden equipment outside of permitted hours and days a “Prohibited Type of Noise;”
- **Section 3.2.1 (h)** – the addition of this section makes it clear that sound caused by construction is only permitted during the times and days set-out in section 4.1.1 (m) by making the sound caused by construction outside of permitted hours and days a “Prohibited Type of Noise;”
- **Section 4.1.1 (Introductory Wording)** – the change to the introductory wording better reflects that section 4.1 is a section that lists exemptions to the general sound restrictions in the Bylaw;
- **Section 4.1.1(i)** – the addition of the phrase “statutory right of way” reflects the fact that some exempted sounds resulting from City activities conducted on statutory rights of way granted to the City rather than only on dedicated roads, or in parks etc.;
- **Section 4.2.2** – the addition of the cross-reference to section 3.2.1(h) is necessitated by the addition of section 3.2.1(h). See above;

- **Section 4.2.3** – the added sentence makes it clear that the notice requirements for the exemptions or restrictions granted by the General Manager, Engineering and Public Works are in addition to and not in substitution of the notice / signage requirements recently added as section 4.1.2 of the Bylaw; and
- **Schedule A (Land Use Contracts)** – the additional wording addresses the contingency that if land use contracts are terminated, then the Quiet, Intermediate and Activity Zone sound levels that currently apply to such land use contracts will apply to the underlying zoning that replaces the particular land use contract.



**Noise Regulation Bylaw No. 8856,
Amendment Bylaw No. 9486**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. The **Noise Regulation Bylaw No. 8856** is amended:
 - (i) In section 2.7.1 by deleting the words “of Part 2”;
 - (ii) In section 3.1.2 by adding, after the word “may” the words “, in the determination of the **inspector**,”
 - (iii) In section 3.2.1, by deleting subsection (a) and substituting:
 - “(a) the **sound** made by a dog barking, howling or otherwise, or the **sound** created by any other animal, in each case, continually or sporadically or erratically for any period in excess of one-half hour of time;”
 - (iv) In section 3.2.1, subsection (b), by deleting the words “in good working order”;
 - (v) In section 3.2.1, subsection (e), by deleting the final word “and”;
 - (vi) In section 3.2.1, subsection (f)(ii) by deleting the semi-colon “;” and replacing it with a period “.”;
 - (vii) In section 3.2.1, by adding subsections (g) and (h) as follows:
 - “(g) except as permitted under section 4.1.1(l), the **sound** caused by **lawn and garden power equipment**; and
 - (h) except as permitted under section 4.1.1(m), the **sound** caused by **construction**.”
2. The **Noise Regulation Bylaw No. 8856** is amended:
 - (i) In section 4.1.1, by deleting the words “This Bylaw does not apply to **sound** made” and substituting “Exempted from the **sound** restrictions in this Bylaw is **sound** made:”
 - (ii) In section 4.1.1(i) by inserting after the words “dedicated roads,” the words “statutory rights of way,”;

- (iii) In section 4.2.2, by adding words “3.2.1(h) and section” before the words “section 4.1.1(m)”; and
 - (iv) In section 4.2.3, by adding, at the end of the section, the sentence “The notice requirement in this section is in addition to the signage requirement in section 4.1.2.”
3. The **Noise Regulation Bylaw No. 8856**, Schedule A is amended by adding, in section 3 Land Use Contracts, after the land use contract reference numbers, in each zone, the following:
- “or, if the Land Use Contracts are terminated and replaced by underlying zoning, the underlying zoning.”
4. This Bylaw is cited as “**Noise Regulation Bylaw No. 8856, Amendment Bylaw No. 9486**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

