

# Memo



**Date:** July 4, 2011  
**File:** Bylaw No. 10573  
**To:** City Manager  
**From:** City Clerk  
**Subject:** Amendments to Noise and Disturbances Control Bylaw No. 6647

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## Recommendation:

THAT Council receives, for information, the Report from the City Clerk dated July 4, 2011 recommending Council adopt amendments to the Noise and Disturbances Control Bylaw;

AND THAT Bylaw No. 10573, being amendment number 9 to the Noise and Disturbances Control Bylaw No. 6647, be forwarded for reading consideration.

**Purpose:** To amend the Noise and Disturbances Control Bylaw to include sound meter readings for motorcycles, boats and vehicle stereos.

## Background:

During the June 27, 2011 Regular Meeting of Council, staff was instructed to bring forward amendments to the Noise and Disturbances Control Bylaw as follows:

THAT Council directs staff to amend Kelowna Noise and Disturbances Control Bylaw No. 6647 to include the use of decibel readers for boats, motorcycles and car stereos;

AND FURTHER THAT staff report back to Council on the effectiveness of the decibel reader program being used by Edmonton Police Services.

The recommended amendments would enable the RCMP to enforce noise from motorcycles, boats and vehicle stereos that exceed the decibel readings listed for each of these noise sources. The amendments are based on a similar bylaw currently enforced in the City of Edmonton by Edmonton Police Services.

The proposed bylaw amendment would establish sound limits for motorcycles of 92 dB(A) when idle and 96 dB(A) when engine is at any speed greater than idle. These sound levels are based on standard J2825 established by the Society of Automotive Engineers; the standard has been reviewed, evaluated and supported by both the Canadian Motorcycle and Moped Industry Council and Transport Canada. These levels are slightly higher than the 91 dB(A) level established by regulation to the provincial Motor Vehicle Act.

Media reports from Edmonton indicate Edmonton Police Services issued 115 tickets in 2010.

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The maximum noise level for car stereos is recommended to be 90 dB(A). Automotive traffic is between 60 dB(A) and 90 dB(A) so it is suggested a car stereo should not be at a level higher than most automobile traffic.

The proposed sound limit for boat noise is 85 dB(A) when the boat engine or engines are at any speed greater than idle. This is based on federal Maritime Occupational Health and Safety Regulations (SOR/2010-120) that considers sound in a workplace louder than 85 dB(A) to be hazardous.

**Internal Circulation:**

General Manager, Corporate Sustainability  
Director, Corporate Services  
Director, Community & Media Relations  
Superintendent, Kelowna RCMP Detachment

**Legal/Statutory Authority:**

*Community Charter*, section 8(3)(g) [spheres of authority - protection of persons and property] and section 64 [nuisances, disturbances and other objectionable situations].

**Existing Policy:**

The Noise and Disturbances Control Bylaw regulates or prohibits the making of objectionable noise within the City of Kelowna that may disturb the quiet or enjoyment of other individuals. The Bylaw is enforced on a complaint basis, as in most cases a third party needs to be disturbed by a noise before enforcement action may begin. The Bylaw may be enforced by City Bylaw staff or by members of the RCMP.

If voluntary compliance cannot be achieved, then compliance may be obtained through either Bylaw Offence Notice (\$500 penalty), Municipal Ticket Information (\$1,000 fine), or Long Form Information (court process, maximum \$1,000 fine).

**Financial/Budgetary Considerations:**

Based on information received from Edmonton police Services, the cost per sound meter kit is estimated at \$2,300. The RCMP have sufficient funds budgeted to purchase an appropriate number of kits and to provide the necessary training in their use.

**Personnel Implications:**

The RCMP will enforce these provisions of the bylaw using existing resources. City Bylaw Enforcement Officers will not be enforcing the noise level provisions of the bylaw.

**Considerations not applicable to this report:**

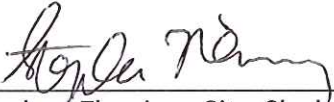
**External Agency/Public Comments:**

**Community & Media Relations Comments:**

**Legal/Statutory Procedural Requirements:**

**Alternate Recommendation:**

Submitted by:



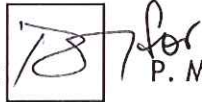
Stephen Fleming, City Clerk

Approved for inclusion:



R. Mayne, Director, Corporate Services

Approved for inclusion:



P. Macklem, General Manager, Corporate Sustainability

cc: General Manager, Corporate Sustainability  
Director, Corporate Services  
Director, Community & Media Relations  
Superintendent, Kelowna RCMP Detachment