



Legislation Text

File #: BL-18-067, **Version:** 1

TAMRMS#: B06

Amendments to Noise Bylaw 29/2018 (1st, 2nd & 3rd readings)

Presented by: Aaron Giesbrecht, Manager

RECOMMENDATION(S)

1. That Bylaw 29/2018, being amendment 1 the Noise Bylaw 31/2006, be read a first time.
2. That Bylaw 29/2018 be read a second time.
3. That unanimous consent be given for consideration of third reading of Bylaw 29/2018.
4. That Bylaw 29/2018 be read a third and final time.

PURPOSE OF REPORT

This Bylaw to amend the Noise Bylaw is being brought forward to Council for consideration, as a result of the amendments that Council made to the Idle-Free Bylaw 16/2007 on October 15, 2018. The proposed Noise Bylaw amendment if passed will ensure that there are no legal contradictions between the two regulations.

ALIGNMENT TO COUNCIL STRATEGIC PRIORITY

N/A

ALIGNMENT TO ADMINISTRATIVE PRIORITY

N/A

ALIGNMENT TO SERVICE DELIVERY

N/A

COUNCIL DIRECTION

N/A

BACKGROUND AND DISCUSSION

On October 15, 2018 Council passed Bylaw 28/2018, a Bylaw that amended the Idle-free Bylaw 16/2007. The purpose of the Idle-Free Bylaw is to regulate all vehicle idling within the community with a goal of reducing the negative environmental impacts that unnecessary idling creates.

Noise Bylaw 31/2006 was originally passed by Council on March 19, 2007. The purpose of the Noise Bylaw is to regulate noise levels within the community with a goal of increasing residents' quality of life through reduced unnecessary noise emissions. Section 10 of the Noise Bylaw regulates diesel engine idling because of the excessive noise that it often causes. This regulation prohibits diesel engines from idling for longer than 10 minutes in a residential area.

Upon review of the Idle-Free Bylaw, it was noted that there was potential for misunderstandings around how these two Bylaws and which regulation would take precedence in the case of an idling diesel vehicle.

Administration has reviewed both Bylaws and has proposed adding in a sentence to the Noise Bylaw that provides this legal clarity.

The proposed addition to the Noise Bylaw is highlighted below in red.

10. *No Person shall permit, at any time, a stationary vehicle with a diesel engine to remain running for longer than 10 minutes at a time in a Residential District. For greater certainty, this section does not permit a vehicle with a diesel engine to idle in a manner that is in contravention of the Idle-Free Bylaw 16/2007.*

What this amendment will do is, require diesel engines to limit their idling to 10 minutes when the temperature thresholds of the Idle-Free Bylaw are not in effect.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

No external stakeholder communications or engagement was conducted specifically to this proposed Noise Bylaw amendment.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

None at this time.

Legal / Risk:

Should the proposed amendment not be passed as intended, Administration does believe that enforcement can legally continue. The new added wording simply adds some clarity to help the officers and the public understand which provision takes precedence.

Program or Service:

None at this time.

Organizational:

None at this time.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendation, the following alternatives could be considered:

Alternative 1. Extend the time limits in the Diesel Engine idling section of the Noise Bylaw from 10 minutes to a length of time that Council is comfortable with. If Council wishes to do this, the change should be considered from a noise emissions perspective.

Alternative 2. Do Nothing. If Council decides to do nothing, Administration will continue to apply the two pieces of legislation in a manner that is consistent with standard enforcement and legal practices.

Report Date: December 3, 2018

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Committee/Department:

Deputy Chief Administrative Officer/Chief People Officer: Michelle Bonnici

Chief Administrative Officer: Kevin Scoble