

NOISE ATTENUATION

Issue

Service level options for dealing with excessive noise caused by vehicles and vehicle modifications are provided to Council for direction.

Motion Proposed by Administration

That _____ .

Report, Analysis and Financial Implications

In Okotoks, resourcing and enforcement of noise related concerns is administered by Okotoks Municipal Enforcement (OME). Vehicles are often modified to be excessively noisy and are frustrating for residents, families and law enforcement. People in the community feel noise is a growing problem over which they have little control and are expressing frustration with both the problem and the lack of solutions. OME peace officers continue to balance efforts using certain sections of the *Alberta Traffic Safety Act* and the municipal traffic bylaw to manage noise related complaints.

Limitations within sections of the *Alberta Traffic Safety Act* allow for subjectivity of what is considered excessive noise. There are no specific sound measurements included in the act to conform what is illegal. This leads to a challenge of enforcement efforts as it is then based on the subjective interpretation and discretionary judgement of excessive noise by the officer. This has led to many cases dismissed from the judicial system. Other pieces of legislation apply but are equally challenged in areas of enforcement.

In Okotoks, noise is regulated under the local Community Standards Bylaw 19-10. Bylaw 19-10 is all encompassing in that it simply states "noise that disturbs", meaning if someone is creating a noise that is causing a disturbance it could constitute as a violation of the bylaw. Okotoks Municipal Enforcement (OME) Peace Officers enforce the bylaw and when investigating a complaint, take the following factors into account:

- Duration
- Type
- Volume Level
- Time of Day
- Day of week
- Nature of area

The current process is complaint driven involving the bylaw as it relates to enforcement action which attempts to strike a balance between supporting peace and limiting unnecessary restrictions. Moving forward, there is a deliberate effort to analyze complaint data as it relates to addressing the source of the noise.

The absence of a provincial standard for excessive noise, a lack of appropriate technology to ensure accurate measurement, the differing expectations from the general population and the subjective nature, make noise a challenge to enforce. As mentioned earlier and to date, excessive noise enforcement efforts are based on the subjective interpretation and discretionary judgement of the officer.

Municipal Comparators:

Community	Bylaw	Types of Noise Complaints	How Noise is Measured
Rocky View County	Noise Control	<ul style="list-style-type: none"> • Social gatherings, music, construction equipment, dirt bikes/motorcycles, vehicles (revving cars, diesel trucks and school buses in particular), various types of business operations, fireworks, dogs barking, cows mooing, children playing, etc. (the list is extensive). • All but the last two are enforceable in one way or another, but again require evidence. • Dogs and business activity are usually enforced through other bylaws. 	<ul style="list-style-type: none"> • No specific program to measure noise. • Current bylaw places a fair bit of onus on the affected party to provide evidence of the infraction and how it is affecting their quality of life.
City of Spruce Grove	Noise	<ul style="list-style-type: none"> • Three types: General, Construction, Vehicle, are enforced in three different ways under two separate bylaws. <ul style="list-style-type: none"> General: parties loud music Construction: permitted from 7am–10pm Monday through Saturday 10am–10pm Sundays and Holidays • Outside those hours <ul style="list-style-type: none"> Vehicle: Enforced under traffic bylaw. 	<ul style="list-style-type: none"> • Opinion of a peace officer who attends the property to determine if noise is excessive. • Vehicle noise is measured using a sound level meter with any vehicle that exceeds 92 decibels at idle or 96 decibels at any RPM over idle could be subject to a ticket/warning. Revving engines, squealing tires, loud explosive sounds and radios within vehicle.
City of Chestermere	Noise Abatement	<ul style="list-style-type: none"> • Noise complaints involving General, Vehicle or Construction require complainant to provide evidence. In case of vehicles, 	<ul style="list-style-type: none"> • Opinion of a peace officer who attends the location to determine if noise is excessive.

		<p>license plate or where driver may reside.</p> <ul style="list-style-type: none"> • If it is a particular area that has been identified, enforcement efforts focus on that specific area for a few weeks. • Violation tickets for these types of offences are issued under the provincial Traffic Safety Act – as provincial crown historically has more resources, including experts if they so choose. • Ongoing efforts are underway to seek alternatives that may be available in the future. 	<ul style="list-style-type: none"> • Investigated introducing portable decibel meter units however, they were cost prohibitive and had evidentiary issues if matters were contested. • Also looked at equipping individual members with decibel meters but too many variables to issue a bylaw ticket.
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The below table provides options and considerations to mitigate noise related issues:

NOISE CONTINUUM					
	Options	Considerations	Risks	Opportunities	Recommendations
1.	Education	Complement enforcement efforts with deliberate messaging (Community Engagement) on Noise adding to existing message: <i>Okotoks is Kind.</i>	<p>a. Resistance to change.</p> <p>b. Resource limitations.</p>	Deliberate collaboration between OME and CE.	Joint initiative with the CE Business Centre.
2.	<i>Dedicated Targeted Enforcement Unit</i>	The unit would focus on <i>Noise and Speed</i> to address noisy vehicles, stunting and anti-social driving behaviors including construction related noise.	Vehicle noise violations are challenging to enforce due to subjectivity and discretion of the current provincial law. Distract from actual service requests.	In the winter months, the unit would augment traffic enforcement work to address speeding in playground zones, tracking mud, and commercial	Pilot for a year to include all seasons. Data collection will allow us to analyze strategies and tactics.

				vehicles on road bans.	
3.	Introduce new equipment for vehicle testing when partnered with RCMP	Change deployment model to support installation and monitoring of noise equipment.	<p>a. Additional costs for new equipment.</p> <p>b. Resource intensive</p> <p>c. Could result in limited success in identifying offenders.</p> <p>d. Support from RCMP will be resource intensive as well.</p>	Some municipalities are using a sound level meter with any vehicle that exceeds 92 decibels at idle or 96 decibels at any RPM over idle could be subject to a ticket/warning. Revving engines, squealing tires, loud explosive sounds and radios within vehicle.	Noise is an industry issue and not a municipality issue. It's a want rather than a need.
4.	Introduce noise monitoring technologies to assist with enforcement efforts.	Cost implications to taxpayers are high (approx \$192,000 in Edmonton) for equipment rentals, installations, monitoring, maintenance and software use, while fines generated just \$98,000).	<p>a. Accuracy Issues: Inaccurate measurements or calibration errors may lead to incorrect assessment of noise levels, affecting decision-making and compliance efforts.</p> <p>b. Cost prohibitive with inconsistent results.</p> <p>c. Data Security: Collecting and storing noise data could expose sensitive information to unauthorized access and cyberattacks.</p>	Introduction of new approach being tried and tested.	This approach has not been proven as a win within a municipality. After careful consideration, the decision has to weigh Effort and Cost vs Contentious results and Outcome including Community Opposition.

			Privacy concerns: Monitoring noise levels may inadvertently capture private conversations or activities, raising concerns about privacy invasion.		
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Strategic Plan Goals

<input type="checkbox"/>	Responsibly Managed Growth	<input type="checkbox"/>	Demonstrated Environmental Leadership
<input type="checkbox"/>	Strong Local Economy	<input checked="" type="checkbox"/>	Enhanced Culture & Community Health
<input type="checkbox"/>	Organizational Excellence		

Equity/Diversity/Inclusivity Impacts and Strategy

n/a

Environmental Impacts

n/a

Governing Policies/Bylaws/Legislation or Agreements

n/a

Public Participation Strategy

n/a

Alternatives for Consideration

That Administration be directed to maintain the current enforcement service levels in relation to excessive noise caused by vehicles. OR

That Administration be directed to on-ramp to the 2025 budget process Option _____ regarding noise attenuation for consideration with other priorities at the time the budget is debated.

CAO Comments

The Okotoks municipal enforcement annual report included on this Council agenda highlights the priorities of the community from a municipal complaint perspective. Council will need to weight the nature of the seasonal complaints on excessive noise from vehicles with the overall priorities of the community. The other option not discussed in the report is the need to focus on the production and sale of this equipment rather than pushing this on to enforcement. The ability to control the manufacturing, production and sale of this equipment should be explored on a provincial/national level rather than enforcement at a local level. Pilots in other communities have highlighted that the expense of equipment investment still does not achieve the desired results so additional options need to be explored. Based upon assessment of this complaint against higher risk priorities of Council and the community, administration recommends maintaining the status quo.

Attachment(s)

n/a

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