

COMMITTEE OF THE WHOLE – MAY 1, 2006

(Proposed amendments to Fees and Charges By-law 396-2002, as amended)

NOISE CONTROL BY-LAW

Council, at its meeting of April 10, 2006, adopted in part the following:

“That the City of Vaughan Fee By-law be amended to include the necessary costs;

That Public Notice be provided in accordance with the City’s Notice By-law 394-2002.”

Refer to Attachment 1 for proposed amendments to Fees and Charges By-law 396-2002, as amended.

Committee of the Whole (Working Session) recommendation March 28, 2006

- 1) That the recommendation contained in the following report of the Commissioner of Legal and Administrative Services, dated March 28, 2006, be approved; and
- 2) That the portion of the by-law relating to special events be subject to on-going staff review and a report be brought back to a future Committee of the Whole meeting, with any necessary amendments to the by-law, no later than March 31, 2007.

Report of the Commissioner of Legal and Administrative Services, dated March 28, 2006

Recommendation

The Commissioner of Legal and Administrative Services recommends:

1. That By-laws 270-81 and 283-85 be repealed and replaced with a new Noise Control By-law;
2. That the City of Vaughan Fee By-law be amended to include the necessary costs;
3. That Public Notice be provided in accordance with the City’s Notice By-law 394-2002;
4. That this report be received.

Economic Impact

There is no impact as a result of implementing a new By-law. Staff will be trained within existing budget funds.

Purpose

This report is to provide detail on a new Noise Control By-law.

Background - Analysis and Options

Council, at its meeting of November 14, 2005, Item 28, Report 61, directed that:

“The Commissioner of Legal and Administrative Services and the Senior Manager of Enforcement Services bring forward a report updating the Noise By-law to a Committee of the Whole (Working Session) in February 2006.”

As part of this review, recently revised Noise By-laws from Markham, Ottawa and Hamilton were reviewed for content and format.

In order to ensure the new By-law is technically sound, the services of dBA Environmental Services were retained. This agency has served the City over the past years as trainers and provided assistance with noise complaint investigations. This agency is considered an expert in Noise By-laws and application.

The new By-law contains the following changes:

- Ministry Noise Pollution Control publications have been updated;
- The language in the By-law is simpler, reducing the technical terms and making it easier to understand;
- The new By-law has revised Time and Place noise limits and General Prohibitions for specific noise services;
- There is a new provision relating to noise relating to special events, including allowable noise levels at the point of reception during special events. This includes a provision for the requirement for special event holders to pay for a By-law Officer to monitor noise levels to ensure compliance with the By-law. The charge for the monitoring is proposed to be \$65.00 per hour. It is anticipated that any monitoring will be conducted by off duty staff, so this rate reflects the coverage of salaries at an overtime rate;
- There is a provision to assist York Regional Police in dealing with street racing as the noise associated with these events is not permitted on public or private property;
- There is also a proposal to allow exemptions to the By-law to be granted by the Department Head of Enforcement Services. This will increase customer service, and remove the step of appearing before Council to receive an exemption. This is consistent with the Markham and Ottawa By-laws. It is proposed that an exemption application carry a fee of \$100.00 to cover administrative costs.

The new provisions of the By-law relating to Special Events will result in all Enforcement field staff being trained in noise monitoring. This cost will be covered by existing budget funds.

The City of Vaughan Fee By-law will require amending to include these new charges. Public Notice is required.

Relationship to Vaughan Vision 2007

The enactment of an updated Noise Control By-law is in keeping with the Vaughan Vision of promoting community safety, health and wellness and of safeguarding our environment.

The necessary resources have been allocated and approved.

Conclusion

The existing Noise Control By-law is out-of-date. By enacting an updated By-law at this point, the new provisions will be in place in time for the outdoor event season.

Attachments

1. Proposed amendments to the Fees and Charges By-law 396,2002, as amended.

Report prepared by:

Tony Thompson
Senior Manager of Enforcement Services

Attachment 1

PROPOSED AMENDMENTS TO THE FEES AND CHARGES BY-LAW 396-2002, AS AMENDED

Legal Department (Schedule "I" to By-law 396-2002, as amended)

Enforcement Services:

Noise Exemption Application Fee	-	\$100.00
Noise Monitoring	-	\$65.00/hour