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RE: BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1979, #7332

Following is a report from the Chief Public Health Inspector regarding the 1981 June 01 slated reduction in noise emission levels contained in the Burnaby Noise or Sound Abatement By-law 1979, #7332.

RECOMMENDATION:

1. THAT the recommendation of the Chief Public Health Inspector be adopted.

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1981 May 25

Our File: 2-02-01

TO: MUNICIPAL MANAGER

FROM: CHIEF PUBLIC HEALTH INSPECTOR

RE: BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1979, #7332

RECOMMENDATION:

1. THAT Clauses 6b, 6d, 10c, 10d, 11b and 14b as set forth in the Burnaby Noise or Sound Abatement By-law 1979, #7332, be amended by deleting the words, "after the 1st day of June, 1981" and substituting the words, "after 1981 December 01". The amended sections would read as on attached Appendix "A".

SUMMARY

The Burnaby Noise or Sound Abatement By-law 1979, #7332 emission levels applicable to commerce/industry, vehicular traffic and users of power gardening equipment are slated for a reduction in noise emission standards after 1981 June 01. It was the intention of the Environmental Health Division to provide Council with a report detailing the effects of the slated reduction. However, the required field work in noise emission monitoring has been delayed due to the civic labour dispute and late arrival of important noise monitoring equipment. This report recommends that the date for reduction in noise emission standards be advanced six months to 1981 December 01. This advancement will permit completion of a report detailing effects of the slated reduction.

REPORT

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On 1978 June 12, a report from the Technical Sub-Committee on Noise was submitted to and considered by Municipal Council. The following recommendation contained in the report was accepted and adopted by Council.

"THAT Clauses 13, 14, 20, 21, 22 and 25 as set forth in the Burnaby Noise or Sound Abatement By-law 1972, #6052, be amended by deleting the words, "after June 1, 1978" and substituting the words "after 1981 June 01".

This amendment to the Noise By-law delayed until 1981 June 01 the final reduction of 5 dBA in noise level emission slated for commerce/industry and a reduction in noise emission standards for vehicular traffic and users of power gardening equipment. It was our intention to provide Council with a report that would have detailed the effects of the slated reduction. However, due to the civic labour dispute and a seven-month delay in receiving important noise monitoring equipment, we have been unable to complete necessary field work.

As we are not in a position to recommend whether the slated reduction in noise emission standards could be technically achieved or enforced, two alternatives were examined:

- (1) setting a policy of non-enforcement until completion of a report on the effects of the slated reduction;
- (2) advancing the scheduled 1981 June 01 date of reduction for a period of time that would permit completion of a report on the effects of the slated reduction.

In our opinion the second alternative is the most appropriate.

We have re-examined the required man-hours for the noise monitoring program and established 1981 October 31 as a deadline for collection of field data. By this date, staff, utilizing new noise emission monitoring equipment, will have extensively monitored all noise-producing operations, detailed individual companies' noise abatement programs and noted any technical difficulties in meeting the slated reduction in noise emission. The Community Noise Level Analyzer, which was ordered in 1980 October, is scheduled for delivery by 1981 June 15. Staff will require two weeks for in-service training on this equipment.

In addition to the monitoring and inspection program, additional meetings are necessary between the Municipal Solicitor, Chief Public Health Inspector and the Provincial Crown Prosecutor to determine if charges under the vehicular noise sections contained in the Noise By-law will be accepted for charges in court. Currently the Crown Prosecutor is not approving for court hearing any charges under the vehicular sections of the By-law on grounds that any prosecutions would be unsuccessful against a defense of "due diligence"; for example, a driver of a vehicle in question did not know that his vehicle was in violation of the By-law.

We are recommending that the date for reduction of noise emission standards contained in the Burnaby Noise or Sound Abatement By-law 1979, #7332 be advanced for a period of six months to 1981 December 01. A complete report on the effects of the slated reduction in noise emission levels and the enforcement of the vehicular sections of the Noise By-law will be submitted for Council's consideration in 1981 November.

Should Council concur with the recommendations of this report, the Municipal Solicitor is prepared to submit the amended By-law for first, second and third readings at the 1981 June 01 meeting of Council.

G.V. Harvie

G.V. Harvie, C.P.H.I.(C)
CHIEF PUBLIC HEALTH INSPECTOR

GVH:1a

cc: Medical Health Officer
Municipal Solicitor

APPENDIX "A"

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6. No person shall in a Commercial District, Industrial District, Comprehensive Development District, or Agricultural District in the Municipality make or cause continuous noise or continuous sound, the noise or sound level of which

- (b) after 1981 December 01 between the hours of 7:00 o'clock in the forenoon and 10:00 o'clock in the afternoon exceeds 60 dBA's;
- (d) after 1981 December 01 between the hours of 10:00 o'clock in the afternoon and 7:00 o'clock in the forenoon exceeds 55 dBA's.

10. No person shall operate on a highway a motor-vehicle

- (c) after 1981 December 01 with a licensed net vehicle weight in excess of 2,200 kilograms which makes or causes noise or sound the noise or sound level of which shall exceed 80 dBA's in a fifty (50) kilometres per hour zone and 87 dBA's in an over fifty (50) kilometres per hour zone,
- (d) after 1981 December 01 with a licensed net vehicle weight of 2,200 kilograms or less which makes or causes noise or sound the noise or sound level of which exceeds 75 dBA's in a fifty (50) kilometres per hour zone and 80 dBA's in an over fifty (50) kilometres per hour zone.

11. No person shall operate on a highway a motor-cycle alone or with or near another motor-cycle or motor-cycles

- (b) which after 1981 December 01 makes or causes noise or sound the noise or sound level of which exceeds 75 dBA's in a fifty (50) kilometres per hour zone and 80 dBA's in an over fifty (50) kilometres per hour zone.

14. No person shall between the hours of 7:00 o'clock in the forenoon and 10:00 o'clock in the afternoon

- (b) after 1981 December 01 use or operate any power lawn mower or power gardening tool which makes or causes noise or sound the noise or sound level of which exceeds 77 dBA's.

