

RE: LETTER FROM JOHN E. BELTZ, CHAIRMAN, SOCIETY FOR SOUNDSCAPE AWARENESS
AND PROTECTION WHICH APPEARED ON THE AGENDA FOR THE COUNCIL MEETING
OF MARCH 1984 MARCH 26 (Item 5d)
RIGHT TO QUIET

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Officer-in-Charge, Burnaby Detachment, RCMP, be adopted.

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TO: DIRECTOR, ADMINISTRATIVE AND COMMUNITY SERVICES
FROM: OFFICER IN CHARGE, BURNABY DETACHMENT RCMP
SUBJECT: SOCIETY FOR SOUNDSCAPE AWARENESS AND PROTECTION

RECOMMENDATION:

1. That this report be sent to Mr. John E. BELTZ, at 1431 30th Street, West Vancouver, B.C., V7V 4N7.

REPORT:

The Right To Quiet Society is a rather small group that is concerned about the disturbance of peace and quiet unnecessarily by the noisy operation of motor vehicles particularly at night.

The major portion of offences under Section 7.A.01 M.V.A. Regulations occur with "muscle" cars squealing tires and semi-trailer trucks using their "Jake" brakes. The noise offence often takes place in combination with other violations such as impaired driving, speeding, driving without due care and attention etc., and in those cases the offender is always charged with the latter infraction because it is the most serious.

In the past the police together with the Municipal Inspectors have enforced the "Burnaby Noise and Sound Abatement By-Law 7332, Section 10, with the use of a sound meter, but ceased due to the fact that to proceed in court the person or persons responsible for the infraction had to be notified of the incident and compelled to appear in court, both with increased demands on our resources without much deterrent effect as a reward for our efforts. However, I do not see any inadequacy in the By-Law itself, that would require amendment. Also, most of these offences occurred after regular "office" hours when the Municipal Inspectors were off duty and economic restraint precluded "overtime" callbacks. Since we stopped enforcing the By-Law three years ago the Municipal Inspectors have concentrated on planning to be more effective in sound control.

We are, at this time, using only the appropriate section of the Motor Vehicle Act to enforce disturbances caused by noisy vehicles. Although we can also enforce such disturbances under the Burnaby Noise and Sound Abatement Bylaw, we are not doing so now for the reasons as noted in the preceding paragraph. The major difference between these two authorities is that under the Burnaby Sound and Abatement Bylaw, technical equipment is used to measure and record the emission of decibels and this type of evidence, we've found, is quite persuasive in proving our cases in court. On the other hand, no equipment is used under the Motor Vehicle Act, and whether or not a noise is offensive is the result of a judgment having to be made by the attending RCMP officer. Unfortunately, this type of personal assessment by an officer is more vulnerable to challenge than evidence which is obtained with sensitive sound measuring and recording equipment.

The Detachment, of course, must be judicious in the deployment of its limited resources, and as a rule, deployment of those resources must of necessity be primarily directed toward serious crimes against the public. However, the Detachment will continue to prioritize all of its responses to the policing needs of the community and will, to the extent that it is possible, continue to enforce Section 7.A.01 of the Motor Vehicle Act.



SUPERINTENDENT

N.L. FUCHS
Officer in Charge
Burnaby Detachment

cc: Municipal Solicitor
Chief Public Health Inspector