

ITEM SUPPLEMENTARY 18
MANAGER'S REPORT NO. 78
COUNCIL MEETING 85/12/16

RE: COMPLAINT FROM MRS. T. PEACOCK, #201, 7466 - 14TH AVENUE, BURNABY, B.C., V3N 1Z9
REGARDING ROOSTER NOISE DISTURBANCE

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER
FROM: CHIEF PUBLIC HEALTH INSPECTOR
RE: COMPLAINT FROM MRS. T. PEACOCK,
#201, 7466 - 14TH AVENUE, BURNABY, B.C.
REGARDING ROOSTER NOISE

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Mrs. T. Peacock, #201, 7466 - 14th Avenue, Burnaby, B.C., V3N 1Z9.

SUMMARY:

Following is a report outlining action taken on a complaint regarding noise disturbance due to crowing of roosters from 7512 - 14th Avenue. Noise level readings taken were found not in violation of the Noise By-Law. The keeping of poultry at the residential zoned property was determined by the Licence Division to be legal non-conforming.

R E P O R T

In response to a letter addressed to Mayor and Council from Mrs. T. Peacock, #201 - 7466 - 14th Avenue requesting appearance as a delegation at the 1985 December 16 meeting of Council, we would advise as follows.

Upon receipt of a 1985 September 09 complaint from Mrs. T. Peacock regarding noise disturbance due to keeping of poultry at 7512 - 14th Avenue, the District Public Health Inspector proceeded with inspection of the concerned property.

The inspection revealed the keeping of over 80 poultry, approximately 30 of which were roosters. At the time of inspection no health nuisances associated with the activity of keeping poultry were observed. The property owner stated that he had been keeping poultry on his property continuously since 1949.

The complaint was discussed with the Licence Division who advised that since the activity was continuous prior to the 1965 adoption of the Burnaby Zoning By-Law, the keeping of poultry on the property is classified as "legal non-conforming".

The District Public Health Inspector proceeded to determine if the noise emission due to the rooster crowing was in violation of the Burnaby Noise By-Law. Property line noise readings revealed a non-continuous noise level of 49 - 52 dBA, well within the By-Law requirement of 80 dBA daytime, 75 dBA nighttime.

ITEM	SUPPLEMENTARY	18
	MANAGER'S REPORT NO.	78
	COUNCIL MEETING	85/12/16

- 2 -

176

In order for the noise emission to be classified for the more stringent requirements of continuous noise, the Noise By-Law requirement is a noise emission totalling 3 continuous minutes in a 15 minute period. As the rooster crowing is very periodic, the noise emission did not qualify as continuous noise.

Due to receipt of further complaints from Mrs. Peacock, a neighbourhood survey was taken to determine the nuisance associated with the immediate community. Of five homes surveyed one neighbour, not adjacent, did state that he is sometimes bothered. The remaining four neighbours including those adjacent to the concerned property stated they were not bothered at all.

A meeting was held with Provincial Crown Counsel on 1985 October 09 to determine if a charge under the Burnaby Noise or Sound Abatement By-Law would be possible. Crown Counsel advised that, given the support to the property owner by the adjacent neighbours, they could not approve a charge under the Noise By-Law as there would be no chance of success in court.

The owner of the poultry has been requested to voluntarily reduce the number of poultry on his property. Our latest inspection revealed a small reduction to approximately 60 poultry.

The above information has been conveyed to Mrs. T. Peacock.

George V. Harvie

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

GVH/ge

cc: Director Administrative & Community Services
Medical Health Officer
Chief Licence Inspector