



RE: ENFORCEMENT OF THE BURNABY NOISE BYLAW REGARDING NOISE FROM "BOOM CARS"  
MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1989 SEPTEMBER 21

FROM: CHIEF PUBLIC HEALTH INSPECTOR

SUBJECT: ENFORCEMENT OF THE BURNABY NOISE BYLAW REGARDING NOISE FROM "BOOM CARS"

PURPOSE: TO ADVISE COUNCIL REGARDING THE ENFORCEMENT OF THE BURNABY NOISE BYLAW ON COMPLAINTS OF EXCESSIVE NOISE FROM "BOOM CARS"

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Mrs. A. Chow, 941 Duthie Avenue, Burnaby, B.C., V5A 2R2.

REPORT

During the 1989 September 05 meeting of Council, correspondence was received from Mrs. A. Chow, 941 Duthie Avenue, Burnaby, regarding disturbing noise from motor vehicles that are equipped with amplified audio systems, commonly referred to as "boom cars".

The following is in response to Council's request for information on Municipal enforcement of the Burnaby Noise Bylaw on complaints of excessive noise from "boom cars".

The Environmental Health Division is in receipt of three complaints to date from residents regarding excessive noise from "boom cars".

Discussions have been held with the Municipal Solicitor and R.C.M.P. Traffic Division, regarding enforcement of the Burnaby Noise Bylaw on complaints of excessive noise from "boom cars". The discussions have concluded that the R.C.M.P. can enforce the provision of Section 3, of the Burnaby Noise Bylaw which states as follows.

"Section 3

No person shall, except as in this bylaw may be provided,

- (a) make or cause any noise or sound in or on a highway or elsewhere in the Municipality which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity."

The maximum fine for violations of the Burnaby Noise Bylaw is \$2,000. First offenses for stereo party noise, barking dogs, etc. have averaged a \$100.00 fine. There have not been charges laid under the Noise Bylaw for disturbances from "boom cars".

For the information of Council, staff recognize that enforcement of the Burnaby Noise Bylaw for controlling noise from "boom cars" is lengthy as all contested charges require court appearance by involved R.C.M.P. staff.

ENFORCEMENT OF THE BURNABY NOISE BYLAW  
REGARDING NOISE FROM "BOOM CARS"  
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The Environmental Health Division is currently preparing a report for Council on the use of a ticket system for enforcement of the Unsightly Premises, Watercourse Protection, Health, proposed C.F.C. and Noise Bylaws. A ticket system with a set violation penalty would serve to enhance enforcement of these bylaws and reduce administrative time in processing charges in court. Provincial legislation would be required to authorize Council to create offenses that are subject to enforcement through the ticket procedure.

With reference to Mrs. Chow's additional concern regarding disturbing noise from vehicle exhaust systems and tire screeching, the R.C.M.P. do issue tickets for these disturbances under authority of the Provincial Motor Vehicle Act. The set fine for noise offenses under the Provincial Act is \$75.00 and points may be levied against the driver depending upon the nature of the incident.

Further complaints regarding excessive noise from "boom cars" will be referred to the R.C.M.P. for their enforcement of Section 3 of the Burnaby Noise Bylaw.

This report has been discussed with Mrs. A. Chow.

*George V. Harvie*

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

GVH/gi

cc: Medical Health Officer  
Director Administrative &  
Community Services  
Municipal Solicitor  
R.C.M.P.