

ITEM	3
MANAGER'S REPORT NO.	2
COUNCIL MEETING	95/01/16

TO: CITY MANAGER 1995 JANUARY 11

FROM: CHIEF ENVIRONMENTAL HEALTH OFFICER

SUBJECT: COMPLAINTS OF LATE NIGHT GARBAGE DISPOSAL NOISE FROM TWO RESTAURANTS AT 9600 CAMERON STREET, BURNABY, B.C.

PURPOSE: TO INFORM COUNCIL OF ACTION TAKEN TO ADDRESS COMPLAINTS REGARDING LATE NIGHT GARBAGE DISPOSAL NOISE FROM TWO RESTAURANTS LOCATED AT 9600 CAMERON STREET, BURNABY.

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Ms. W. Hankin, #1705-9595 Erickson Drive, Burnaby, B.C., V3J 7N9.

REPORT

1.0 BACKGROUND

On the 1995 January 09 Council Agenda, there appeared an item of correspondence from Ms. W. Hankin, #1705-9595 Erickson Drive, Burnaby complaining of noise from late night garbage disposal at Red Robin and Anducci's restaurants located at 9600 Cameron Street, a commercial building adjacent the Lougheed Mall Shopping Centre. Ms. Hankin is specifically disturbed by the restaurants dumping "hard" garbage such as glass and cans into the disposal bin/compactor after 10:00 P.M.

Red Robin and Anducci's have operated at their present locations since 1985 and 1990 respectively. Prior to those dates, other restaurants occupied their locations in the building. Red Robin is open until 11:00 P.M. weekdays and 1:00 A.M. weekends and Anducci's is open until 10:00 P.M. weekdays and 11:00 P.M. weekends. The bulk disposal bin/compactor unit shared by these two restaurants and other commercial tenants of 9600 Cameron is located at the east property line and at a lower level than the patron parking lot for the building. Ms. Hankin lives in a residential high-rise west of 9600 Cameron Street. The attached sketch shows the relative location of Ms. Hankin's apartment to 9600 Cameron Street and the bulk disposal bin.

In her letter to Council, Ms. Hankin suggested the following three solutions:

1. To charge the restaurants under the Noise Bylaw;
2. To replace the existing disposal bin/compactor with a standard open disposal bin; or
3. To relocate the existing disposal bin/compactor to an underground location.

The following report informs Council on the action by the Health Department in addressing Ms. Hankin's concern and provides comments on the solutions suggested by Ms. Hankin.

2.0 PUBLIC HEALTH CONSIDERATIONS

The two restaurants must remove the garbage from their premises at the close of business each night. The B.C. Health Act Regulations Governing the Sanitation and Operation of Food Premises do not allow full garbage containers to remain in any food premises. Leaving garbage outside the back door of a restaurant overnight for depositing in the garbage bin the next morning is unacceptable from a pest and odour control perspective.

The commercial tenants in this building, in the past, used a standard type open garbage disposal bin. This system of garbage disposal resulted in a substantial problem with spilled garbage, rodent and bird activity, and unauthorized dumping in and around the bin and the Health Department had received a number of complaints from neighbouring residents regarding spilled garbage and frequent rodent sightings. To address this problem, the present system of a short chute down into a completely enclosed disposal bin/compactor was installed approximately one year ago by the building owner. Since the installation of the new disposal bin/compactor, Health Department staff have noted a significant improvement in terms of sanitation and cleanliness in and around the bin and have not received any further complaints. Therefore, it would be inappropriate to recommend to the building owner to revert back to a garbage disposal system that had been proven unsatisfactory in the past. Furthermore, noise will still be generated when bags of garbage are put into the open bin and from opening and closing of the metal lid.

3.0 LOCATION OF THE GARBAGE BIN/COMPACTOR

As indicated on the attached sketch, the garbage bin/compactor is presently located at the eastern edge of 9600 Cameron Street (actually on Lougheed Mall property by agreement), as far as practical from the building in which Ms. Hankin resides.

The building does have a secured underground parking lot utilized by workers in the building and the possibility of moving the bulk disposal bin/compactor to the underground parking area was discussed with the building management. Aside from the much greater distance commercial tenants would have to travel to dispose of their garbage, the following constraints and concerns make it unfeasible to relocate the disposal bin underground:

- 1) They would have to revert back to a standard open disposal bin as the present disposal bin/compactor unit would not fit;
- 2) The garbage truck is too large to enter the underground lot to access the bin;
- 3) Odour from a standard open disposal bin in the underground parking lot would spread via the stairwell and elevator to the interior of the building; and
- 4) The previous problem with spilled garbage and rodents will recur with the reversal back to the standard open disposal bin.

4.0 ENFORCEMENT OF THE NOISE OR SOUND ABATEMENT BYLAW

The Burnaby Noise or Sound Abatement Bylaw does not prohibit all noise in commercial activities after 10:00 P.M. as suggested by Ms. Hankin. However, Section 4(a) of the said Bylaw refers to noise that disturbs a neighbourhood or persons in the vicinity and states as follows:

Section 4(a)

"No owner or occupier of real property shall, except as in this bylaw may be provided,

- (a) allow such real property to be used so that noise or sound emanates therefrom which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity."

In order to determine whether late night garbage disposal noise from the restaurants is disturbing the neighbourhood, Health Department staff conducted a survey of residents living on the east side of the high rise building (i.e. facing the commercial building, similar to Ms. Hankin) in mid December of 1994. Two individuals responded to our survey. Neither considered the noise generated from the restaurants' activities a problem or a disturbance. Instead, they identified traffic, sirens, and security alarms noise a concern.

This matter was discussed with the City Solicitor's office to determine if a court charge is possible under Section 4(a) of the bylaw. In view of the fact that no other nearby residents appear to be bothered by the noise and that placing garbage bags into a garbage bin appears to be a normal practice of restaurants, the City Solicitor's office is of the opinion that such a charge would be unsuccessful.

5.0 ACTION TAKEN BY RED ROBIN AND ANDUCCI'S

In an effort to resolve Ms. Hankin's concern, ongoing discussions with the management of Red Robin and Anducci's have resulted in the following voluntary commitments from them:

- 1) Both Red Robin and Anducci's will make only one trip to the garbage bin/compactor after 10:00 P.M. Due to the quantity of garbage and to ensure that there is no spillage of garbage in the parking lot, the management of Anducci's indicated that their staff may, on occasion, make two consecutive trips to the garbage bin/compactor;
- 2) While Red Robin has no formal recycling program for cans and bottles, the management has agreed to separate cans and bottles from their garbage after 10:00 P.M. only to minimize the noise generated from the final late night disposal. The cans and bottles accumulated after 10:00 P.M. will be kept in the restaurant and disposed of the following morning. Anducci's already has a program of recycling cans and bottles and only "soft" restaurant garbage is being disposed of in the disposal bin/compactor.

A letter outlining the planned modification to the garbage disposal procedures was sent to Ms. Hankin on 1995 January 05.

6.0 CONCLUSION

While we anticipate that the modification in the garbage handling procedures by the restaurants will noticeably reduce the noise generated from late night garbage disposal, they will not eliminate it completely. Hopefully, they will reduce the noise from late night disposal to a level that Ms. Hankin's sleep will no longer be disturbed.

At this time, the Health Department is not in a position to request further changes to the garbage disposal practices or to proceed with court action under the Burnaby Noise or Sound Abatement Bylaw.



Tim Shum,
CHIEF ENVIRONMENTAL HEALTH OFFICER

VGE/TS/gl

Attachment

cc () Acting Medical Health Officer
() Acting Director Administrative & Community Services
() Director Engineering
() City Solicitor

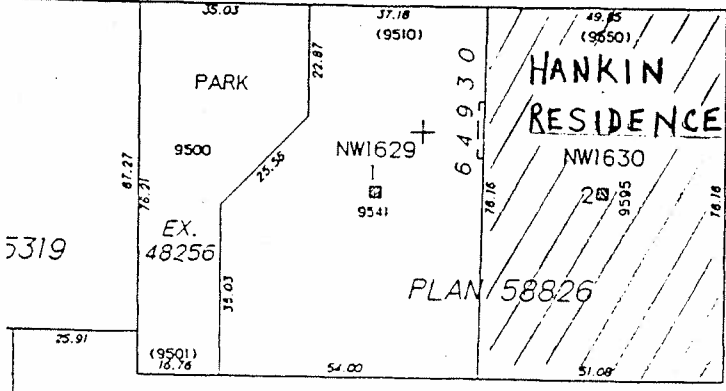
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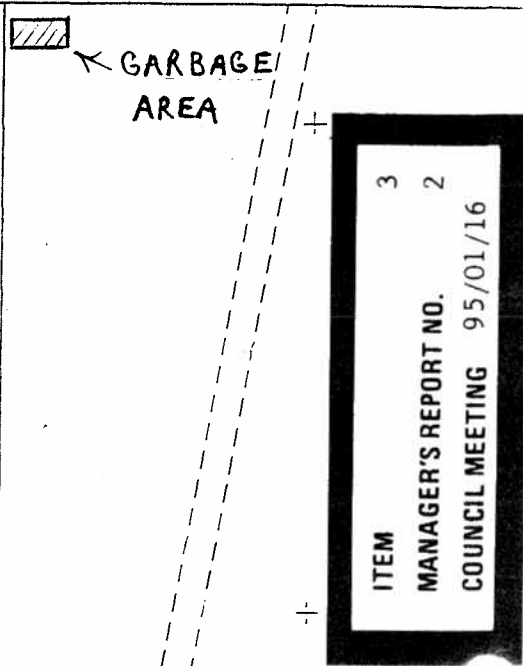
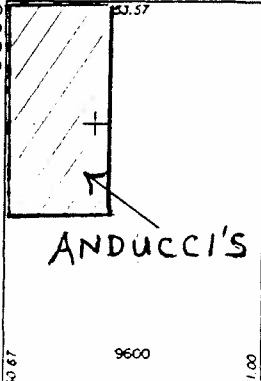
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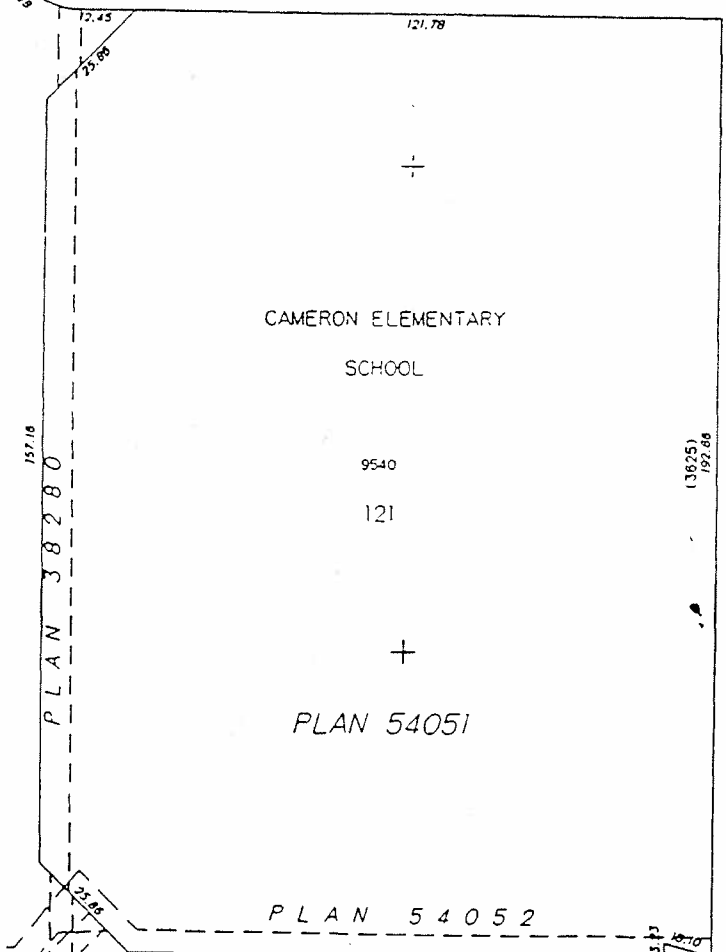
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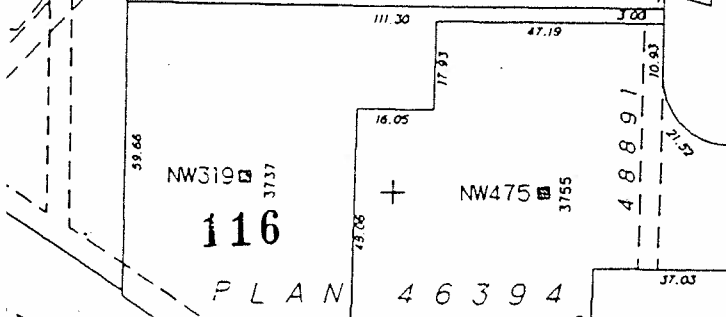
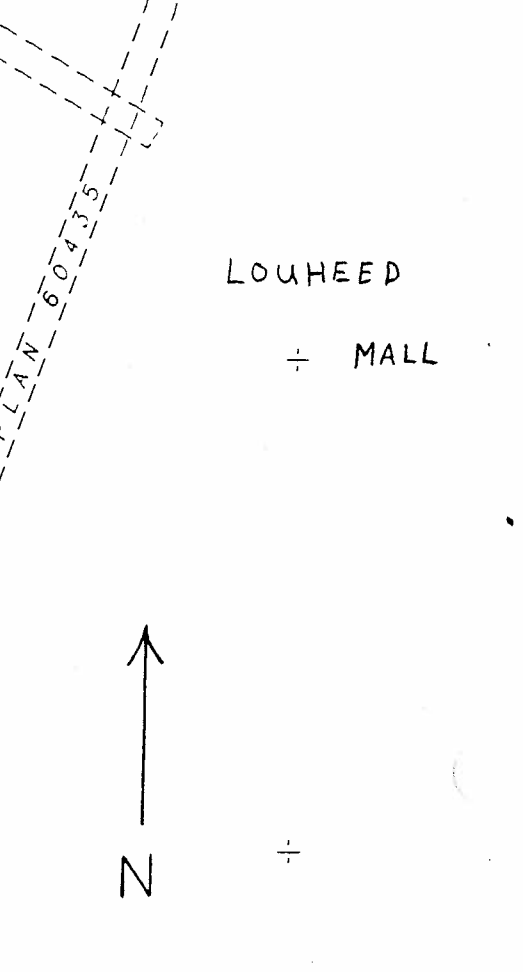
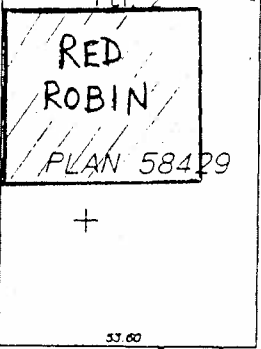
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