

For Information Only

A By-law of the City of Greater Sudbury Regulating Noise

Presented To:	City Council
Presented:	Tuesday, Feb 13, 2018
Report Date	Monday, Jan 29, 2018
Type:	Referred & Deferred Matters

Resolution

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Relationship to the Strategic Plan / Health Impact Assessment

This report refers to operational matters.

Report Summary

This report outlines the consolidation of noise by-laws from the former municipalities in or to regulate noise consistently within the City of Greater Sudbury.

Financial Implications

There are no financial implications associated with this report.

Signed By

Report Prepared By

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Manager Review

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Division Review

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Financial Implications

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Recommended by the Department

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Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
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FOR INFORMATION

Background:

This report updates Council in regards to the final consolidated Noise By-Law which appears on the agenda for final passage.

Beginning on November 03, 2015, Staff initiated the process of reviewing By-Law principles towards a new and consolidated Noise By-law for the City of Greater Sudbury. With this process, over the course of three Council meetings, the following resolutions were passed:

November 03, 2015- CC2015-368 THAT the report from the Executive Director Administrative Services/City Clerk regarding Noise By-Laws was received by Council.

November 03, 2017 CC2015-11-03 THAT the City of Greater Sudbury directed Staff to, following a process of public input, develop a draft consolidated Noise By-law for discussion by Council that is based on the principles outlined in the report from the Executive Director Administrative Services/City Clerk

And WHEREAS, a Request for Decision for a New Consolidated Noise By-law was deferred by Council on September 27, 2016

February 28, 2017- CC2017-59 that the City of Greater Sudbury received the report entitled Consolidated Noise By-law from the Executive Director, Legislative Services/City Clerk;

And WHEREAS, the final reading and passing of a By-law of the City of Greater Sudbury Regulating Noises was deferred by Council on September 27, 2016;

AND THAT staff were directed to prepare a new consolidated Noise By-law founded upon principles previously adopted by Council in Resolution CC2015-369 and consistent with the noise by-law framework presented in this report.

The By-Law has been drafted in accordance with the direction and feedback received from Council as outlined in the time line and resolutions above and further reflects the needs of the community as heard through the engagement process.

To ensure the by-law aligns with best practices, CGS staff consulted with numerous municipalities including Waterloo, North Bay, Thunder Bay, Timmins, Sault Ste. Marie, Kawartha Lakes, Ottawa, Toronto and Barrie.

Written in a manner that is easy to understand and apply, the new by-law will honour Council's support for three key themes which include; standard prohibited times, consistent application of response based on source, and the use of both subjective and objective investigative techniques.

Since the deferral of the draft consolidated Noise By-law on September 27, 2017, Staff hosted a variety of conversations with members of Council in order to accurately address questions and concerns that were brought forward on behalf of their constituents. Hearing the feedback of Council, and while consulting with Legal Staff to ensure the appropriate foundation for the By-law, Staff specifically looked at areas of the By-law that referenced "unusual sound" in order to consider options to better define this. This slight adjustment will support of the application and understanding of the By-law both for enforcement staff and the public respectively. While aligning with current Noise By-laws enforced in areas of the City of Greater Sudbury, and other Ontario Municipalities that have recently reviewed and updated their Noise By-law, without limiting the generality of the statement, Staff have better defined what an "Unusual Sound" is. This draft now provides clear, easy to understand examples of what types of sounds would likely disturb the inhabitants of the City as defined by "Unusual Sound".

Following the exercise of better defining what an "Unusual Sound" consists of, Staff considered inquiries of Council about the service level and response to Noise complaints. As supported by extended hours of service for the community that includes, daytime, evening and weekend response to complaints, noise complaints will continue to be investigated by Municipal Law Enforcement Officers to provide education and enforcement towards resolution. Whether supported by evidence collected from the complainant or physical Officer response and investigation, the assessment of noise complaints will be undertaken at the point of reception of the noise for the purpose of confirming whether the noise is likely to disturb the inhabitants of the City of Greater Sudbury and would be considered a violation. This response aligns with current process, taking into account the possible existence of vexatious complaints and depends on the Municipal Law Enforcement Officer to exercise judgement to determine the validity of the complaint.

Council is being asked to approve a by-law that consolidates twenty-six (26) noise by-laws that pre-date amalgamation. This by-law aligns with the feedback of the community and represents the best interests as raised. The application of one by-law will support the better understanding of the restrictions by the community and further support the efficient enforcement of the same by Municipal Law Enforcement Officers and Police where required.