

Council Member Motion

Notice given on: Wednesday, October 18, 2023

Meeting Date Wednesday, November 1, 2023
From Councillor Justice
Subject Evaluation of Noise Bylaw

Background

CONTEXT

Over the past few years there have been numerous noise complaints that our Noise Bylaw appears to be unable to regulate. For example, many North Cowichan residents have written Council about noise impacts related to soil compaction in the Kingsview development, operations at the VIMC, roosters in non-agricultural suburban settings, excessive uncontrolled dog barking, amplified music, excessively loud vehicles, and rogue ostentations of mating peacocks.

On October 4, 2023, a delegation appeared before Council outlining the negative impact that a period of Rapid Impact Compaction on the Kingsview development site had on the life enjoyment, well-being and health of residents. The delegation made the case that North Cowichan's Noise Bylaw has not been effective at preventing excessive or deleterious noise and should be updated - hopefully in a timely enough fashion to prevent a round two of ground pounding.

It is important to better understand the shortcomings of our current noise bylaw and what options exist for creating an updated bylaw that better achieves our goals.

RATIONALE

The goal of our existing noise bylaw is to prevent the disturbance of the quiet, peace, rest, enjoyment, comfort, or convenience of residents.

As outlined in North Cowichan's Official Community Plan, "Loud discordant sound (and vibration) emitted on a regular, repetitive basis can adversely affect the health and well-being of humans and animals."

The many auditory and non-auditory health effects and other harmful repercussions of noise on people's well-being are documented in the attached article published in Lancet (i).

Research has shown that negative impacts are linked to various aspects of noise including but not limited to its loudness. In addition to decibel level, the frequency, predictability, complexity, time course, and duration of certain noises can cause annoyance and stress or otherwise negatively impact peoples' well-being, warranting a reconsideration of the problematic qualities of noise.

(i) Basner M, et al 2013. Auditory and non-auditory effects of noise on health. Lancet. 2014 Apr 12;383(9925):1325-1332. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(13\)61613-X/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(13)61613-X/fulltext)

In the decades since our current Noise Bylaw was formulated, work-life patterns have changed. Our noise bylaw and the concept of 'quiet times' were developed in an era where the majority of working people left their homes during predictable hours. Now, many more people are working remotely from home or are working at home-based businesses, requiring a reconsideration of periods during which excessive noise is or is not tolerable.

Our Official Community Plan promises that "Efforts will be made to prevent the creation of new sources of noise pollution and to identify and mitigate the impact of current sources."

It would thus appear there is a need to reconsider our current Noise Bylaw with a view to preparing a progressive, state of the art noise bylaw that is grounded in best practices and that can meet the needs of our community – its residents, commerce, agriculture and industry – consistent with our OCP goals.

Recommendation

THAT Council direct staff to prepare a report which provides options for creating a progressive Noise Bylaw which would mitigate noise complaints by:

- (1) Leveraging best practices from other jurisdictions;
- (2) Taking into account the multiple aspects of noise - including its frequency, predictability, complexity, time course, duration, as well as level (decibels) - which can lead to annoyance and have negative health impacts or other detrimental effects on residents' well-being;
- (3) Recognizing that in residential areas there are shift workers sleeping, home businesses operating, and an increasing number of people working remotely from home during 'work hours' throughout which increased noise levels have in the past been tolerated;
- (4) Complying with our OCP goal of both mitigating the impact of current sources of noise pollution and preventing the creation of new sources.

Attachment: (1) Sound advice for public health